



HOUSE BILL No. 4445

March 4, 1993, Introduced by Reps. Alley, Yokich, DeMars, Gagliardi and Bodem and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend the title and sections 1, 4, 4a, 4d, 4e, 5, 6, 7, 12, 15, 15a, and 16 of Act No. 74 of the Public Acts of 1968, entitled as amended

"An act to register and regulate snowmobiles; to provide for education and training programs; to provide for trails, areas, and facilities; to create a recreational snowmobile trail improvement fund; to provide for expenditure of appropriations; and to prescribe penalties,"

sections 1, 4a, and 4d as amended by Act No. 473 of the Public Acts of 1982, sections 4, 4e, and 6 as amended by Act No. 334 of the Public Acts of 1984, section 15 as amended by Act No. 13 of the Public Acts of 1992, and section 15a as added by Act No. 402 of the Public Acts of 1980, being sections 257.1501, 257.1504, 257.1504a, 257.1504d, 257.1504e, 257.1505, 257.1506, 257.1507, 257.1512, 257.1515, 257.1515a, and 257.1516 of the Michigan Compiled Laws; to add sections 4f, 10, 13b, 15b, 15c, 15d, 19,

20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 4, 4a, 4d, 4e, 5, 6,
2 7, 12, 15, 15a, and 16 of Act No. 74 of the Public Acts of 1968,
3 sections 1, 4a, and 4d as amended by Act No. 473 of the Public
4 Acts of 1982, sections 4, 4e, and 6 as amended by Act No. 334 of
5 the Public Acts of 1984, section 15 as amended by Act No. 13 of
6 the Public Acts of 1992, and section 15a as added by Act No. 402
7 of the Public Acts of 1980, being sections 257.1501, 257.1504,
8 257.1504a, 257.1504d, 257.1504e, 257.1505, 257.1506, 257.1507,
9 257.1512, 257.1515, 257.1515a, and 257.1516 of the Michigan
10 Compiled Laws, are amended and sections 4f, 10, 13b, 15b, 15c,
11 15d, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
12 34, 35, 36, 37, 38, and 39 are added to read as follows:

TITLE

14 An act to register and regulate snowmobiles; to provide for
15 education and training programs; to provide for trails, areas,
16 and facilities; to create a recreational snowmobile trail
17 improvement fund; TO CREATE AN ADVISORY BOARD; TO PRESCRIBE
18 POWERS AND DUTIES OF CERTAIN STATE AND LOCAL AGENCIES AND OFFI-
19 CIALS; TO ESTABLISH CERTAIN RIGHTS AND REMEDIES FOR CERTAIN PER-
20 SONS UNDER CERTAIN CIRCUMSTANCES; to provide for expenditure of
21 appropriations; and to prescribe REMEDIES AND penalties.

22 Sec. 1. As used in this act:

23 (a) "Operator" means any person who operates or is in actual
24 physical control of a snowmobile.

1 (b) "Owner" means any of the following:

2 (i) A person who holds the legal title to a snowmobile.

3 (ii) A vendee or lessee of a snowmobile which is the subject
4 of an agreement for conditional sale or lease with the right of
5 purchase upon performance of the conditions stated in the agree-
6 ment and with an immediate right of possession vested in the con-
7 ditional vendee or lessee.

8 (iii) A person renting a snowmobile or having the exclusive
9 use of a snowmobile for more than 30 days.

10 (c) "Operate" means to ride in or on and be in actual physi-
11 cal control of the operation of a snowmobile.

12 (d) "Person" means an individual, partnership, corporation,
13 the state and any of its agencies or subdivisions, and any body
14 of persons whether incorporated or not.

15 (e) "Snowmobile" means any motor driven vehicle designed for
16 travel primarily on snow or ice of a type which utilizes sled
17 type runners or skis, or an endless belt tread or any combination
18 of these or other similar means of contact with the surface upon
19 which it is operated; but is not a vehicle which must be regis-
20 tered under THE MICHIGAN VEHICLE CODE, Act No. 300 of the Public
21 Acts of 1949, as amended, being sections 257.1 to 257.923 of the
22 Michigan Compiled Laws.

23 (f) "Dealer" means any person engaged in the sale, lease, or
24 rental of snowmobiles as a regular business.

25 (g) "Highway or street" means the entire width between the
26 boundary lines of every way publicly maintained if any part

1 thereof is open to the use of the public for purposes of
2 vehicular travel.

3 (h) "Roadway" means that portion of a highway or street
4 improved, designated, or ordinarily used for vehicular travel.
5 If a highway or street includes 2 or more separate roadways the
6 term roadway refers to any such roadway separately, but not to
7 all such roadways collectively.

8 (i) "Department" means the department of state.

9 (j) "Right of way" means that portion of a highway or street
10 less the roadway and any shoulder.

11 (k) "Shoulder" means that portion of a highway or street on
12 either side of the roadway which is normally snowplowed for the
13 safety and convenience of vehicular traffic.

14 (l) "Zone 1" means all of the upper peninsula.

15 (m) "Zone 2" means all of that part of the lower peninsula
16 north of a line beginning at and drawn from a point on the
17 Michigan-Wisconsin boundary line due west of the westerly termi-
18 nus of river road in Muskegon county; thence due east to the
19 westerly terminus of river road; thence north and east along the
20 center line of the river road to its intersection with highway
21 M-120; thence northeasterly and easterly along the center line of
22 highway M-120 to the junction of highway M-20; thence easterly
23 along the center line of M-20 to its junction with US-10 at the
24 Midland-Bay county line; thence easterly along the center line of
25 the "business route" of highway US-10 to the intersection of
26 Garfield road in Bay county; thence north along the center line
27 of Garfield road to the intersection of the Pinconning road;

1 thence east along the center line of Pinconning road to the
2 intersection of the Seven Mile road; thence north along the
3 center of the Seven Mile road to the Bay-Arenac county line;
4 thence north along the center line of the Lincoln School road
5 (county road 25) in Arenac county to the intersection of highway
6 M-61; thence east along the center line of highway M-61 to the
7 junction of highway US-23; thence northerly and easterly along
8 the center line of highway US-23 to the center line of the Au
9 Gres river; thence southerly along the center line of the river
10 to its junction with Saginaw Bay of Lake Huron; thence north 78°
11 east to the international boundary line between the United States
12 and the Dominion of Canada.

13 (n) "Zone 3" means all that part of the lower peninsula
14 south of the line described in Zone 2.

15 (O) "CONVICTION" MEANS A FINAL CONVICTION, THE PAYMENT OF A
16 FINE, A PLEA OF GUILTY OR NOLO CONTENDERE IF ACCEPTED BY THE
17 COURT, OR A FINDING OF GUILT OR PROBATE COURT DISPOSITION ON A
18 VIOLATION OF THIS ACT, REGARDLESS OF WHETHER THE PENALTY IS
19 REBATED OR SUSPENDED.

20 (P) "LAW OF ANOTHER STATE" MEANS A LAW OR ORDINANCE ENACTED
21 BY ANOTHER STATE OR BY A LOCAL UNIT OF GOVERNMENT IN ANOTHER
22 STATE.

23 (Q) "LONG-TERM INCAPACITATING INJURY" MEANS AN INJURY THAT
24 CAUSES A PERSON TO BE IN A COMATOSE, QUADRIPLAGIC, HEMIPLEGIC, OR
25 PARAPLEGIC STATE, WHICH STATE IS LIKELY TO CONTINUE FOR 1 YEAR OR
26 MORE.

1 (R) "PROBATE COURT DISPOSITION" MEANS THE ENTRY OF A PROBATE
2 COURT ORDER OF DISPOSITION FOR A CHILD FOUND TO BE WITHIN THE
3 PROVISIONS OF CHAPTER XIIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF
4 1939, BEING SECTIONS 712A.1 TO 712A.28 OF THE MICHIGAN COMPILED
5 LAWS.

6 (S) "PROSECUTING ATTORNEY", EXCEPT AS THE CONTEXT OTHERWISE
7 REQUIRES, MEANS THE ATTORNEY GENERAL, THE PROSECUTING ATTORNEY OF
8 A COUNTY, OR THE ATTORNEY REPRESENTING A LOCAL UNIT OF
9 GOVERNMENT.

10 (T) "FORMER SECTION 15A" MEANS SECTION 15A AS CONSTITUTED
11 BEFORE THE 1993 AMENDATORY ACT THAT ADDED THIS SUBDIVISION.

12 Sec. 4. (1) The owner of each snowmobile requiring regis-
13 tration by this state BEFORE OPERATION OF THE SNOWMOBILE IN THIS
14 STATE shall file an application for registration with the depart-
15 ment on forms provided by the department. IF THE SNOWMOBILE WAS
16 PURCHASED FROM A RETAILER DEALER IN THIS STATE, APPLICATION FOR
17 INITIAL REGISTRATION SHALL BE MADE WITH THE DEALER AT THE POINT
18 OF SALE. THE DEALER SHALL ISSUE A TEMPORARY REGISTRATION PERMIT
19 IN A FORM RECEIVED FROM AND APPROVED BY THE DEPARTMENT THAT IS
20 VALID FOR 15 DAYS AFTER THE DATE OF SALE. EACH RETAIL DEALER
21 SHALL SUBMIT REGISTRATIONS AND FEES TO THE DEPARTMENT NOT LESS
22 THAN ONCE EACH WEEK. The application shall be signed by the owner
23 of the snowmobile and shall be accompanied by a fee of \$15.00.
24 Upon receipt of the application in approved form, the department
25 shall enter the application upon its records and issue to the
26 applicant a certificate of registration. The certificate of
27 registration shall contain the number awarded to the snowmobile,

1 the name and address of the owner, and other information the
2 department considers necessary. The certificate of registration
3 shall be pocket size, shall accompany the vehicle, shall be legi-
4 ble, and shall be made available for inspection upon demand by a
5 peace officer.

6 (2) The owner of a snowmobile at the time application for a
7 certificate of registration is made shall pay a fee of \$15.00 and
8 be issued a certificate of registration and a registration
9 decal. The certificate of registration and registration decal
10 authorizes the operation of the snowmobile for a 3-year period
11 which begins on October 1 and expires on September 30 of the
12 third year. The certificate of registration and registration
13 decal may be renewed by payment of a fee of \$15.00 beginning July
14 1 of the expiration year. The registration decal shall be dis-
15 played as prescribed by rule promulgated by the department.

16 (3) The department may destroy a record of a certificate of
17 registration 5 years after expiration of the certificate.

18 Sec. 4a. (1) Except as otherwise provided in this act, the
19 revenue received under this act and sections 2 and 18b of Act
20 No. 150 of the Public Acts of 1927, as amended, being sections
21 207.102 and 207.118b of the Michigan Compiled Laws, shall be
22 deposited in the general fund of the state. From the revenues
23 deposited in the general fund under this act, and sections 2 and
24 18b of Act No. 150 of the Public Acts of 1927, as amended, the
25 legislature shall make an annual appropriation OF NOT TO EXCEED
26 \$3.00 FROM EACH REGISTRATION FEE COLLECTED DURING EACH FISCAL
27 YEAR to the department for administration of the registration

1 provisions of this act and an annual appropriation to the
2 department of natural resources OF NOT LESS THAN \$7.00 FROM EACH
3 REGISTRATION FEE COLLECTED DURING EACH FISCAL YEAR for purposes
4 set forth in section 4b, \$2.00 OF WHICH SHALL BE USED FOR THE
5 STATE FINANCIAL ASSISTANCE PROGRAM FOR COUNTIES DESCRIBED IN
6 SECTION 4B. ANY MONEY NOT REQUIRED FOR ADMINISTRATION OF THE REG-
7 ISTRATION PROVISIONS OF THIS ACT SHALL BE CREDITED EACH YEAR TO
8 THE RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT FUND. The balance
9 of all revenues deposited in the general fund under this act,
10 including not less than ~~50% of the~~ \$5.00 FROM EACH registration
11 ~~receipts~~ FEE COLLECTED DURING EACH FISCAL YEAR, shall be
12 ~~appropriated to~~ DEPOSITED IN THE RECREATIONAL SNOWMOBILE TRAIL
13 IMPROVEMENT FUND AND SHALL BE ADMINISTERED BY the department of
14 natural resources for the PURPOSES OF planning, construction,
15 maintenance, and acquisition of trails and areas for the use of
16 snowmobiles, or access to those trails and areas, and basic snow-
17 mobile facilities. Consideration shall be given in planning the
18 expenditures of the funds to providing recreational opportunities
19 for bicyclists, hikers, equestrians, and other nonconflicting
20 recreational trail users as ancillary benefits of the program.

21 (2) The director of the department of natural resources
22 shall designate a state recreational trail coordinator and shall
23 maintain a comprehensive plan for implementing a statewide recre-
24 ational and snowmobile trails system. The comprehensive plan
25 shall be reviewed and updated each year by the director of the
26 department of natural resources.

1 (3) The money appropriated under this section to the
2 department of natural resources for snowmobile trails and areas,
3 for access to those trails or areas, and for basic snowmobile
4 facilities may be expended for the acquisition, development, and
5 maintenance on any land in the state. The money may be used to
6 purchase lands or secure easements, leases, permits, or other
7 appropriate agreements permitting use of private property for
8 snowmobile trails, basic facilities, and areas which may be used
9 by bicyclists, hikers, equestrians, and other nonconflicting
10 OFF-SEASON recreational trail users, if the easements, leases,
11 permits, or other agreements provide public access to the trail,
12 use areas, and support facilities.

13 (4) Recreational trail facilities OR MAJOR IMPROVEMENTS
14 shall not be constructed on private land unless a written agree-
15 ment having a term of not less than ~~3~~ 5 years is made between
16 the owner of the land and the department of natural resources.

17 (5) The money shall be expended in a manner and as part of
18 the overall plan of the department of natural resources for an
19 interconnecting network of statewide snowmobile trails and use
20 areas giving consideration to expected snowfall and availability
21 for use with adequate snow cover. Consideration shall be given
22 in the plan for alternative nonconflicting OFF-SEASON recrea-
23 tional trail uses.

24 Sec. 4d. (1) From the money appropriated to the department
25 of natural resources under section 4a FOR THE TRAIL IMPROVEMENT
26 FUND for the purpose of planning, constructing, maintaining, and
27 acquiring trails and areas for the use of snowmobiles, or access

1 to those trails and areas, and basic snowmobile facilities, an
2 amount of not less than 40% but not more than 80% shall be allo-
3 cated upon application to counties, townships, cities, villages,
4 and nonprofit incorporated snowmobile clubs and organizations
5 considered eligible by the department of natural resources
6 because of the interest of the nonprofit incorporated club or
7 association in snowmobile activities, under rules promulgated by
8 the department of natural resources.

9 (2) Allocations for snowmobile trail maintenance costs shall
10 be according to a formula promulgated by the state recreational
11 trail coordinator which shall provide an amount up to 100% of the
12 actual cost of maintaining the trail per year. An allocation
13 shall not be made for a trail unless the trail is available for
14 snowmobile use and is approved by the department of natural
15 resources. An allocation for the cost of leasing of land and the
16 acquisition of easements, permits, or other agreements, AND FOR
17 TRAIL LIABILITY INSURANCE may equal 100% of incurred expense.
18 Money available for development shall be distributed on a 100%
19 grant basis, 75% at the time of approval but not later than April
20 1 of the year of development and 25% upon completion of the
21 development. A development shall be commenced the same year the
22 funds are distributed. An application may include a request for
23 leasing land or acquiring easements, permits, or other agreements
24 for the use of land, and for funds for development or maintenance
25 of trails. Trail specifications shall be prescribed by the
26 department of natural resources.

1 (3) ~~Not more than \$30,000.00 annually of the money~~
2 ~~appropriated shall be used for a cooperative sign program for~~
3 ~~snowmobile trails open to the public.~~ Signs shall not be pro-
4 vided under this section unless the snowmobile trails meet mini-
5 mum state snowmobile trail construction standards AND ARE FUNDED
6 FOR SNOWMOBILE SEASON MAINTENANCE. A snowmobile organization or
7 association may apply to the department of natural resources on
8 forms prescribed by the department of natural resources for signs
9 or funds for signs ON OR before ~~October 1 of each year~~ A DATE
10 DETERMINED BY THE DEPARTMENT OF NATURAL RESOURCES.

11 (4) Upon application by a county, city, village, township,
12 or nonprofit incorporated snowmobile clubs and organizations the
13 department of natural resources may allocate up to 100% of the
14 cost of initial signs of snowmobile routes which connect autho-
15 rized trails or which offer entrance to or exit from trails lead-
16 ing to the county, city, village, OR township. ~~, or nonprofit~~
17 ~~incorporated snowmobile clubs and organizations considered eligi-~~
18 ~~ble by the department of natural resources because of the inter-~~
19 ~~est of the nonprofit incorporated club or organization in snowmo-~~
20 ~~bile activities.~~ An application shall be submitted to the
21 department of natural resources ~~by February 1 of the year for~~
22 ~~which the allocation is requested.~~ The application shall be on
23 a form prescribed by the department of natural resources.

24 (5) Allocations under this section shall remain available
25 until expended if a contract or commitment has been entered into
26 under this section.

1 (6) The department ~~of state~~ and department of natural
2 resources shall include in their annual budget requests
3 information detailing their snowmobile programs.

4 Sec. 4e. (1) The recreational snowmobile trail improvement
5 fund is created in the state treasury. The fund shall be admin-
6 istered by the department of natural resources and shall be used
7 solely for the improvement of snowmobile trails and other noncon-
8 flicting recreational purposes.

9 (2) ~~Six~~ FIVE dollars of each fee collected under section
10 4, ~~and \$4.00~~ \$9.00 of each fee collected under section 10, AND
11 NOT LESS THAN 80% OF THE REVENUE FROM THE FEES COLLECTED UNDER
12 SECTIONS 6 AND 7 shall be deposited in the fund.

13 (3) The department of natural resources shall promulgate
14 rules for the administration of the fund pursuant to THE ADMINIS-
15 TRATIVE PROCEDURES ACT OF 1969, Act No. 306 of the Public Acts of
16 1969, as amended, being sections 24.201 to ~~24.315~~ 24.328 of the
17 Michigan Compiled Laws.

18 (4) All funds allocated under this act shall be for projects
19 which are open to the public.

20 (5) Any money remaining in the recreational snowmobile trail
21 improvement fund at the end of a fiscal year SHALL NOT BE CRED-
22 ITED TO OR REVERT TO THE GENERAL FUND BUT SHALL REMAIN IN THE
23 FUND AND shall be carried over in the fund to the next and suc-
24 ceeding fiscal years and shall only be used for the purposes
25 stated in this section. ~~Pursuant to section 10 of Act No. 98 of~~
26 ~~the Public Acts of 1919, as amended, being section 21.10 of the~~
27 ~~Michigan Compiled Laws, money in the recreational snowmobile~~

~~1 trail improvement fund shall not be credited to or revert to the~~
~~2 general fund.~~

3 SEC. 4F. (1) THE SNOWMOBILE TRAILS ADVISORY BOARD IS CRE-
4 ATED WITHIN THE DEPARTMENT OF NATURAL RESOURCES. THE BOARD SHALL
5 ASSIST THE DEPARTMENT OF NATURAL RESOURCES IN DEVELOPING CRITERIA
6 FOR SAFETY EDUCATION AND TRAINING PROGRAMS, ADVISE THE DEPARTMENT
7 OF NATURAL RESOURCES REGARDING THE ALLOCATION OF FUNDS FROM THE
8 RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT FUND, ASSIST THE
9 DEPARTMENT OF NATURAL RESOURCES IN PROMULGATING RULES, AND ASSIST
10 THE DEPARTMENT OF NATURAL RESOURCES IN UPDATING THE COMPREHENSIVE
11 PLAN REQUIRED BY SECTION 4A. THE ADVISORY BOARD SHALL ADVISE THE
12 DEPARTMENT OF NATURAL RESOURCES ON RECOMMENDATIONS MADE BY SNOW-
13 MOBILE USERS OF TRAILS THAT SHOULD BE DESIGNATED FOR SNOWMOBILE
14 USE. BY OCTOBER 1, 1995, THE BOARD, IN CONSULTATION WITH THE
15 DEPARTMENT OF NATURAL RESOURCES AND THE HOUSE AND SENATE COMMIT-
16 TEES THAT CONSIDER SNOWMOBILE LEGISLATION, SHALL DEVELOP A COM-
17 PREHENSIVE PLAN FOR THE USE OF SNOWMOBILES IN THIS STATE.

18 (2) THE ADVISORY BOARD SHALL CONSIST OF 7 MEMBERS APPOINTED
19 BY THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES. THE MEM-
20 BERS OF THE ADVISORY BOARD SERVING ON THE EFFECTIVE DATE OF THE
21 AMENDATORY ACT THAT ADDED THIS SECTION SHALL CONTINUE TO SERVE
22 UNTIL THE EXPIRATION OF THEIR TERMS. ONE MEMBER SHALL BE
23 APPOINTED FROM EACH REGION REPRESENTING THE MICHIGAN SNOWMOBILE
24 ASSOCIATION. OF THE REMAINING MEMBERS, 1 MEMBER SHALL REPRESENT
25 TRAIL SPONSORS, 1 MEMBER SHALL BE FROM THE BUSINESS COMMUNITY,
26 AND 2 MEMBERS SHALL BE AT LARGE TRAIL USERS. MEMBERS SHALL BE
27 APPOINTED FOR TERMS OF 2 YEARS EXCEPT THAT OF THE MEMBERS FIRST

1 APPOINTED, THE 3 MEMBERS REPRESENTING THE MICHIGAN SNOWMOBILE
2 ASSOCIATION AND THE MEMBER REPRESENTING THE BUSINESS COMMUNITY
3 SHALL BE APPOINTED FOR 2 YEARS AND THE BALANCE OF THE MEMBERS
4 SHALL BE APPOINTED FOR 1 YEAR. THE BOARD SHALL MEET AT LEAST
5 TWICE EACH YEAR.

6 Sec. 5. (1) The owner of a snowmobile having been issued a
7 certificate of registration for the snowmobile shall ~~paint on~~
8 ~~or~~ attach in a permanent manner to each side of the forward half
9 of the snowmobile the REGISTRATION DECAL ASSIGNED TO THAT
10 SNOWMOBILE. ~~identification number in block characters of good~~
11 ~~proportion, not less than 3 inches in height, reading from left~~
12 ~~to right. The numbers shall contrast so as to be distinctly vis-~~
13 ~~ible and legible. A number other than the number awarded to a~~
14 ~~snowmobile under this act, or granted reciprocity under this act,~~
15 ~~shall not be attached or otherwise displayed on the snowmobile.~~

16 (2) Not earlier than 90 days before the expiration date of a
17 certificate a registration decal or other device may be issued
18 indicating that the certificate of registration is in full force
19 and effect. ~~Display of the decal or other device shall be as~~
20 ~~prescribed by rule promulgated by the department.~~

21 (3) A certificate of registration shall expire pursuant to
22 section 4.

23 (4) The department may award a certificate of number
24 directly or may authorize a person to act as its agent for the
25 awarding of a certificate of number.

26 (5) Records of the department made or kept pursuant to this
27 act shall be made available to the public in compliance with THE

1 FREEDOM OF INFORMATION ACT, Act No. 442 of the Public Acts of
2 1976, being sections 15.231 to 15.246 of the Michigan Compiled
3 Laws.

4 Sec. 6. (1) The owner of a snowmobile shall notify the
5 department within 15 days if the snowmobile is destroyed or aban-
6 doned, or is sold, or an interest in the snowmobile is trans-
7 ferred either wholly or in part to another person, or if the
8 owner's address no longer conforms to the address appearing on
9 the certificate of registration. The notice shall consist of a
10 surrender of the certificate of registration on which the proper
11 information shall be noted on a place to be provided. If the
12 surrender of the certificate of registration is by reason of the
13 snowmobile being destroyed or abandoned, the department shall
14 cancel the certificate of registration and enter that fact in the
15 records of the department and the number may be then reassigned.
16 The department may destroy the record of a surrendered certifi-
17 cate of registration 1 year after its surrender.

18 (2) If the surrender of the certificate of registration is
19 by reason of a change of address on the part of the owner, the
20 new address shall be recorded by the department and a certificate
21 of registration bearing that information shall be returned to the
22 owner.

23 (3) The transferee of a snowmobile registered under this
24 act, within 15 days after acquiring the snowmobile, shall ~~make~~
25 ~~application~~ APPLY to the department for issuance of a new cer-
26 tificate of registration for the snowmobile, giving his or her
27 name, address, and the previous registration number of the

1 snowmobile and pay to the department the fee prescribed in
2 section 4. Upon receipt of the application and fee the depart-
3 ment shall issue a new certificate of registration for the snow-
4 mobile to the new owner. Unless the application is made and the
5 fee paid within 15 days of transfer of ownership, the snowmobile
6 is without certificate of registration, and a person shall not
7 operate the snowmobile until a valid certificate of registration
8 is issued.

9 (4) If a certificate of registration is lost, mutilated, or
10 illegible, the owner of the snowmobile shall obtain a duplicate
11 of the certificate of registration upon application and payment
12 of a fee of ~~-\$2.00-~~ \$5.00.

13 (5) If a valid registration decal is lost, mutilated, or
14 illegible, the owner of the snowmobile may obtain a replacement
15 registration decal upon submission of proof of registration and
16 payment of a fee of ~~-\$2.00-~~ \$5.00.

17 Sec. 7. A dealer or manufacturer, upon application to the
18 department upon forms provided by it, may obtain certificates of
19 registration for use in the testing or demonstrating of ~~such~~
20 ~~snowmobile-~~ SNOWMOBILES upon payment of \$10.00 for each of the
21 first 2 registration certificates. Additional certificates as
22 the dealer may require may be issued at a cost of \$5.00 each and
23 used by the applicant only in the testing or demonstrating of
24 snowmobiles by temporary placement of the ~~numbers-~~ REGISTRATION
25 DECAL on the snowmobile being tested or demonstrated. Any 1 cer-
26 tificate issued pursuant to this section may be used on only 1
27 snowmobile at any given time. The temporary placement of

1 ~~numbers~~ REGISTRATION DECALS shall be as prescribed by this act
2 or rules ~~adopted hereunder~~ PROMULGATED UNDER THIS ACT.

3 SEC. 10. (1) IN ADDITION TO OR IN LIEU OF REGISTRATION OF A
4 SNOWMOBILE PURSUANT TO SECTION 4, BEGINNING OCTOBER 1, 1994, A
5 PERSON WHO DESIRES TO OPERATE A SNOWMOBILE IN THIS STATE SHALL
6 PURCHASE A MICHIGAN SNOWMOBILE TRAIL PERMIT STICKER. THE
7 MICHIGAN SNOWMOBILE TRAIL PERMIT ISSUED UNDER THIS SECTION SHALL
8 BE VALID FOR A PERIOD OF 1 YEAR WHICH BEGINS ON OCTOBER 1 AND
9 ENDS ON THE FOLLOWING SEPTEMBER 30. THE FEE FOR THE PERMIT SHALL
10 BE \$10.00. FIFTY CENTS OF THE FEE SHALL BE RETAINED BY THE
11 DEPARTMENT FOR ADMINISTRATIVE COSTS. FIFTY CENTS OF THE FEE
12 SHALL BE RETAINED BY THE AGENT SELLING THE PERMIT. NINE DOLLARS
13 OF THE FEE SHALL BE CREDITED TO THE RECREATIONAL SNOWMOBILE TRAIL
14 IMPROVEMENT FUND CREATED IN SECTION 4E.

15 (2) THE DEPARTMENT MAY CONTRACT EITHER WITH THE DEPARTMENT
16 OF NATURAL RESOURCES OR A PERSON, OR BOTH, TO ACT AS AN AGENT OF
17 THE DEPARTMENT FOR THE PURPOSE OF ISSUING MICHIGAN SNOWMOBILE
18 TRAIL PERMITS. THE DEPARTMENT SHALL SELL THE PERMITS TO AGENTS
19 IN BULK. AGENTS MAY OBTAIN A REFUND FROM THE DEPARTMENT FOR ANY
20 PERMITS THAT ARE NOT SOLD.

21 (3) AN AGENT WHO USES OR ALLOWS THE USE OF A PERMIT BY
22 ANYONE EXCEPT THE SNOWMOBILE USER TO WHOM THE PERMIT IS SOLD IS
23 GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF \$50.00 FOR EACH
24 INSTANCE OF SUCH USE OR ALLOWED USE.

25 (4) THE DEPARTMENT MAY SUSPEND A CERTIFICATE OF REGISTRATION
26 WHEN THE DEPARTMENT DETERMINES THAT THE REQUIRED FEE HAS NOT BEEN
27 PAID AND REMAINS UNPAID AFTER REASONABLE NOTICE OR DEMAND. IN

1 ADDITION TO THE REQUIRED FEE, A \$10.00 PENALTY SHALL BE ASSESSED
2 AND COLLECTED AGAINST ANY PERSON WHO TENDERS AN INSUFFICIENT
3 CHECK OR DRAFT IN PAYMENT OF THE FEE.

4 (5) A PERSON WHO FAILS TO SECURE A PERMIT UNDER THIS SECTION
5 IS RESPONSIBLE FOR A CIVIL INFRACTION AND SUBJECT TO A FINE OF
6 \$50.00 PLUS COURT COSTS.

7 Sec. 12. A person shall not operate a snowmobile upon a
8 public highway, land used as an airport or street, or on a public
9 or private parking lot not specifically designated for the use of
10 snowmobiles except under the following conditions and
11 circumstances:

12 (a) A snowmobile may be operated on the right-of-way of a
13 public highway, except a limited access highway, if it is oper-
14 ated at the extreme right of the open portion of the right-of-way
15 and with the flow of traffic on the highway. HOWEVER, A SNOWMO-
16 BILE MAY BE OPERATED ON THE RIGHT-OF-WAY OF A PUBLIC HIGHWAY
17 AGAINST THE FLOW OF TRAFFIC IF THE RIGHT-OF-WAY IS A SNOWMOBILE
18 TRAIL DESIGNATED BY THE STATE AND IS APPROVED BY THE STATE TRANS-
19 PORTATION DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES.
20 Snowmobiles operated on the right-of-way of a public highway, as
21 ~~herein~~ provided IN THIS SUBDIVISION, shall travel single file
22 and shall not be operated abreast except when overtaking and
23 passing another snowmobile. IN THE ABSENCE OF A POSTED SNOWMO-
24 BILE SPEED LIMIT, A SNOWMOBILE OPERATED ON THE RIGHT-OF-WAY OF A
25 PUBLIC HIGHWAY, AS PROVIDED IN THIS SUBDIVISION, SHALL BE LIMITED
26 TO THE SPEED LIMIT POSTED ON THE PUBLIC HIGHWAY.

1 (b) A snowmobile may be operated on the roadway or shoulder
2 when necessary to cross a bridge or culvert if the snowmobile is
3 brought to a complete stop before entering onto the roadway or
4 shoulder and the driver yields the right-of-way to an approaching
5 vehicle on the highway.

6 (c) In a court action in this state where competent evidence
7 demonstrates that a vehicle which is permitted to be operated on
8 a highway pursuant to THE MICHIGAN VEHICLE CODE, Act No. 300 of
9 the Public Acts of 1949, as amended, being sections 257.1 to
10 257.923 of the Michigan Compiled Laws, is in a collision with a
11 snowmobile on a roadway, the driver of the snowmobile involved in
12 the collision shall be considered prima facie negligent.

13 (d) A snowmobile may be operated across a public highway
14 other than a limited access highway, at right angles to the high-
15 way for the purpose of getting from one area to another when the
16 operation can be done in safety and another vehicle is not cross-
17 ing the highway at the same time in the same general area. An
18 operator shall bring his OR HER snowmobile to a complete stop
19 before proceeding across the public highway and shall yield the
20 right-of-way to all oncoming traffic.

21 (e) Snowmobiles may be operated on a highway in a county
22 road system, which is not normally snowplowed for vehicular traf-
23 fic, and on the PLOWED right-of-way or shoulder when no
24 right-of-way exists on a snowplowed highway in the county road
25 system, outside the corporate limits of a city or village, which
26 is designated and marked for snowmobile use by the county road
27 commission having jurisdiction. Upon the request of a county

1 road commission which has designated all county roads outside the
2 corporate limits of a city or village for snowmobile use, the
3 STATE TRANSPORTATION department ~~of state highways~~ shall erect
4 at county road commission expense and maintain, in accordance
5 with the Michigan manual of uniform traffic control devices stan-
6 dards, the basic snowmobile sign unit together with a supplemen-
7 tal panel stating "permitted on right-of-way or shoulder of all
8 (county name) roads-Act 74 of P.A. 1968" at the
9 county line on all state trunk line highways and county roads.

10 (f) A duly constituted law enforcement officer of a city,
11 village, township, county, or the state may authorize use of a
12 snowmobile on a public highway or street within his OR HER juris-
13 diction when an emergency occurs and conventional motor vehicles
14 cannot be used for transportation due to snow or other extreme
15 highway conditions.

16 (g) A snowmobile may be operated on a street or highway for
17 a special event of limited duration conducted according to a pre-
18 arranged schedule only under permit from the governmental unit
19 having jurisdiction. The event may be conducted on the frozen
20 surface of public waters only under permit from the department of
21 natural resources.

22 (h) A city or village by ordinance may designate 1 or more
23 specific public highways or streets within its jurisdiction as
24 egress and ingress routes for the use of snowmobiles. A city or
25 village acting under the authority of this ~~subsection~~
26 SUBDIVISION shall erect and maintain, in accordance with the

1 Michigan manual of uniform traffic control devices standards, a
2 sign unit giving proper notice thereof.

3 SEC. 13B. A PERSON OPERATING OR RIDING ON A SNOWMOBILE
4 SHALL WEAR A CRASH HELMET ON HIS OR HER HEAD. CRASH HELMETS
5 SHALL BE APPROVED BY THE UNITED STATES DEPARTMENT OF
6 TRANSPORTATION.

7 Sec. 15. (1) A person shall not operate a snowmobile under
8 any of the following circumstances:

9 (a) At a rate of speed greater than is reasonable and proper
10 having due regard for conditions then existing.

11 ~~(b) While under the influence of intoxicating liquor, a~~
12 ~~controlled substance as defined in section 7104 of Act No. 368~~
13 ~~of the Public Acts of 1978, as amended, being section 333.7104 of~~
14 ~~the Michigan Compiled Laws, or a combination of intoxicating~~
15 ~~liquor and a controlled substance.~~

16 (B) ~~(c)~~ During the hours from 1/2 hour after sunset to 1/2
17 hour before sunrise without displaying a lighted headlight and a
18 lighted taillight.

19 (C) ~~(d)~~ In a forest nursery, planting area, or public
20 lands posted or reasonably identifiable as an area of forest
21 reproduction when growing stock may be damaged or posted or rea-
22 sonably identifiable as a natural dedicated area which is in zone
23 2 or zone 3.

24 (D) ~~(e)~~ On the frozen surface of public waters within 100
25 feet of a person, including a skater, not in or upon a snowmobile
26 or within 100 feet of a fishing shanty or shelter except at the
27 minimum speed required to maintain forward movement of the

1 snowmobile or on an area which has been cleared of snow for
2 skating purposes unless the area is necessary for access to the
3 public water.

4 (E) ~~(f)~~ Without a muffler in good working order and in
5 constant operation from which noise emission at 50 feet at right
6 angles from vehicle path under full throttle does not exceed 86
7 DBA, decibels on the "a" scale, on a sound meter having charac-
8 teristics defined by American standards association S1, 4-1966
9 "general purpose sound meter". ~~A snowmobile manufactured after~~
10 ~~February 1, 1972, and sold or offered for sale in this state~~
11 ~~shall not exceed 82 DBA of the 1970 society of automotive engi-~~
12 ~~neers code J-192.~~ A snowmobile manufactured after July 1, 1977,
13 and sold or offered for sale in this state shall not exceed 78
14 decibels of sound pressure at 50 feet as measured under the 1974
15 society of automobile engineers code J-192a. This subdivision
16 does not apply to a snowmobile which is being used in an orga-
17 nized race on a course which is used solely for racing.

18 (F) ~~(g)~~ Within 100 feet of a dwelling between 12 midnight
19 and 6 a.m., at a speed greater than the minimum required to main-
20 tain forward movement of the snowmobile.

21 (G) ~~(h)~~ In or upon the lands of another without the writ-
22 ten consent of the owner of the land, or the agent or lessee of
23 the owner of the land, when required by the recreational trespass
24 act, Act No. 323 of the Public Acts of 1976, being sections
25 317.171 to 317.181 of the Michigan Compiled Laws.

26 (H) ~~(i)~~ In an area on which public hunting is permitted
27 during the season open to the taking of deer with firearms from 7

1 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except during an
2 emergency, for law enforcement purposes, to go to and from a per-
3 manent residence or a hunting camp otherwise inaccessible by a
4 conventional wheeled vehicle or for the conduct of necessary work
5 functions involving land and timber survey, communication and
6 transmission line patrol, and timber harvest operations, or on
7 the person's own property or property under the person's control
8 or as an invited guest.

9 (I) ~~(j)~~ While transporting on the snowmobile a bow, unless
10 unstrung, or a firearm, unless securely encased or equipped with,
11 and made inoperative by, a manufactured keylocked trigger housing
12 mechanism.

13 (J) ~~(k)~~ On or across a cemetery or burial ground.

14 (K) ~~(l)~~ Within 100 feet of a slide, ski, or skating area,
15 EXCEPT WHEN TRAVELING ON A COUNTY ROAD RIGHT-OF-WAY PURSUANT TO
16 SECTION 12. A snowmobile may enter such an area for the purpose
17 of servicing the area or for medical emergencies.

18 (L) ~~(m)~~ On a railroad or railroad ~~right of way, except~~
19 RIGHT-OF-WAY. THIS PROHIBITION SHALL NOT APPLY TO railroad per-
20 sonnel, public utility personnel, law enforcement personnel while
21 in the performance of their duties, A RAILROAD OR RAILROAD
22 RIGHT-OF-WAY RENDERED INOPERABLE BY THE REMOVAL OR PARTIAL
23 REMOVAL OF THE RAILROAD TRACKS, and persons using, between
24 December 1, 1992 and March 31, 1993, between December 1, 1993 and
25 March 31, 1994, and between December 1, 1994 and March 31, 1995,
26 a demonstration snowmobile trail located on a state owned
27 railroad right-of-way operated by the Detroit and Mackinaw

1 railway company, or on a railroad right-of-way owned by the
2 Detroit and Mackinaw railway company connecting to a state owned
3 railroad right-of-way operated by the Detroit and Mackinaw rail-
4 way company, between Gaylord and Frederic, which also meets the
5 conditions imposed in subsections (2) and (3).

6 (2) The demonstration snowmobile trail shall be constructed,
7 operated, and maintained by a person other than the person owning
8 the railroad right-of-way and the person operating the railroad
9 pursuant to terms of a lease agreement under which the person
10 operating the trail agrees to do all of the following:

11 (a) Indemnify the person owning the railroad right-of-way
12 and the person operating the railroad against any claims associ-
13 ated with or arising from the construction, maintenance, opera-
14 tion, and use of the trail.

15 (b) Provide liability insurance in the amount of
16 \$2,000,000.00 naming the person owning the railroad right-of-way
17 and the person operating the railroad as named insureds.

18 (c) Meet any other obligations or provisions considered
19 appropriate by the person owning the railroad right-of-way
20 including, but not limited to, the payment of rent that the
21 person owning the railroad right-of-way or the person operating
22 the railroad is authorized to charge under this act and the meet-
23 ing of all construction, operating, and maintenance conditions
24 imposed by the person owning the railroad right-of-way and the
25 person operating the railroad regarding the demonstration snowmo-
26 bile trail project.

1 (3) The demonstration snowmobile trail shall be clearly
2 demarcated by fencing and signing and shall occupy the outer edge
3 of the railroad right-of-way, as far from the edge of the rail-
4 road tracks as possible, but in any case not closer than 20 feet
5 from the edge of the railroad tracks unless topography or other
6 natural or manmade features require the trail to lie within 20
7 feet of the edge of those railroad tracks. The design of the
8 trail, including the location of fencing and signing, shall be
9 included upon plan sheets by the person constructing, operating,
10 and maintaining the trail, and shall be approved in writing by
11 the person owning the right-of-way and the person operating the
12 railroad. Signing shall conform to specifications issued by the
13 department of natural resources to its snowmobile trail operator
14 grantees.

15 (4) The state transportation department, in cooperation with
16 the Detroit and Mackinaw railway company and the person operating
17 the demonstration snowmobile trail, shall conduct a study each
18 year during development, construction, and operation of the trail
19 to evaluate the demonstration snowmobile trail project, and to
20 examine the feasibility and desirability of broadening statutory
21 authority to establish snowmobile trails on functional railroad
22 rights-of-way in Michigan. The findings of each study shall be
23 summarized in a report to the legislature to be submitted not
24 later than September 1 of 1993, 1994, and 1995.

25 (5) Notwithstanding section 1(c) and for purposes of this
26 section, "operate" means to cause to function, run, or manage.

1 Sec. 15a. (1) ~~The owner or person in charge or in control~~
2 ~~of a snowmobile shall not authorize or knowingly permit the~~
3 ~~snowmobile to be driven or operated by a person who is under the~~
4 ~~influence of intoxicating liquor; a controlled substance as~~
5 ~~defined in section 7104 of Act No. 368 of the Public Acts of~~
6 ~~1978, as amended; or a combination of intoxicating liquor and a~~
7 ~~controlled substance.~~ A PERSON SHALL NOT OPERATE A SNOWMOBILE IN
8 THIS STATE IF EITHER OF THE FOLLOWING APPLIES:

9 (A) THE PERSON IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR
10 OR A CONTROLLED SUBSTANCE, OR BOTH.

11 (B) THE PERSON HAS A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE
12 BY WEIGHT OF ALCOHOL.

13 (2) THE OWNER OF A SNOWMOBILE OR A PERSON IN CHARGE OR IN
14 CONTROL OF A SNOWMOBILE SHALL NOT AUTHORIZE OR KNOWINGLY PERMIT
15 THE SNOWMOBILE TO BE DRIVEN OR OPERATED BY A PERSON WHO IS UNDER
16 THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE,
17 OR BOTH, OR WHO HAS A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY
18 WEIGHT OF ALCOHOL.

19 (3) A PERSON SHALL NOT OPERATE A SNOWMOBILE WHEN, DUE TO THE
20 CONSUMPTION OF AN INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE,
21 OR BOTH, THE PERSON'S ABILITY TO OPERATE THE SNOWMOBILE IS VISI-
22 BLY IMPAIRED. IF A PERSON IS CHARGED WITH VIOLATING SUBSECTION
23 (1), A FINDING OF GUILTY UNDER THIS SUBSECTION MAY BE RENDERED.

24 (4) A PERSON WHO OPERATES A SNOWMOBILE UNDER THE INFLUENCE
25 OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR BOTH, OR
26 WITH A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF
27 ALCOHOL, AND BY THE OPERATION OF THAT SNOWMOBILE CAUSES THE DEATH

1 OF ANOTHER PERSON IS GUILTY OF A FELONY PUNISHABLE BY
2 IMPRISONMENT FOR NOT MORE THAN 15 YEARS, OR A FINE OF NOT LESS
3 THAN \$2,500.00 OR MORE THAN \$10,000.00, OR BOTH.

4 (5) A PERSON WHO OPERATES A SNOWMOBILE UNDER THE INFLUENCE
5 OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR BOTH, OR
6 WITH A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCO-
7 HOL, AND BY THE OPERATION OF THAT SNOWMOBILE CAUSES A LONG-TERM
8 INCAPACITATING INJURY TO ANOTHER PERSON IS GUILTY OF A FELONY
9 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR A FINE
10 OF NOT LESS THAN \$1,000.00 OR MORE THAN \$5,000.00, OR BOTH.

11 SEC. 15B. (1) IF A PERSON IS CONVICTED OF VIOLATING SECTION
12 15A(1), THE FOLLOWING APPLY:

13 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) AND
14 (C), THE PERSON IS GUILTY OF A MISDEMEANOR AND MAY BE PUNISHED BY
15 1 OR MORE OF THE FOLLOWING:

16 (i) COMMUNITY SERVICE FOR NOT MORE THAN 45 DAYS.

17 (ii) IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

18 (iii) A FINE OF NOT LESS THAN \$100.00 OR MORE THAN \$500.00.

19 (B) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF A PRIOR CON-
20 VICTION, THE PERSON SHALL BE SENTENCED TO BOTH A FINE OF NOT LESS
21 THAN \$200.00 OR MORE THAN \$1,000.00 AND EITHER OF THE FOLLOWING:

22 (i) COMMUNITY SERVICE FOR NOT LESS THAN 10 DAYS OR MORE THAN
23 90 DAYS, AND MAY BE IMPRISONED FOR NOT MORE THAN 1 YEAR.

24 (ii) IMPRISONMENT FOR NOT LESS THAN 48 CONSECUTIVE HOURS OR
25 MORE THAN 1 YEAR, AND MAY BE SENTENCED TO COMMUNITY SERVICE FOR
26 NOT MORE THAN 90 DAYS.

1 (C) IF THE VIOLATION OCCURS WITHIN 10 YEARS OF 2 OR MORE
2 PRIOR CONVICTIONS, THE PERSON IS GUILTY OF A FELONY AND SHALL BE
3 SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR OR MORE THAN 5
4 YEARS, OR A FINE OF NOT LESS THAN \$500.00 OR MORE THAN \$5,000.00,
5 OR BOTH.

6 (2) A TERM OF IMPRISONMENT IMPOSED UNDER
7 SUBSECTION (1)(B)(ii) SHALL NOT BE SUSPENDED. A PERSON SENTENCED
8 TO PERFORM SERVICE TO THE COMMUNITY UNDER THIS SECTION SHALL NOT
9 RECEIVE COMPENSATION AND SHALL REIMBURSE THE STATE OR APPROPRIATE
10 LOCAL UNIT OF GOVERNMENT FOR THE COST OF SUPERVISION INCURRED BY
11 THE STATE OR LOCAL UNIT OF GOVERNMENT AS A RESULT OF THE PERSON'S
12 ACTIVITIES IN THAT SERVICE.

13 (3) IN ADDITION TO THE SANCTIONS PRESCRIBED UNDER
14 SUBSECTION (1) AND SECTION 15A(4) AND (5), THE COURT MAY, PURSU-
15 ANT TO THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC
16 ACTS OF 1927, BEING SECTIONS 760.1 TO 776.21 OF THE MICHIGAN
17 COMPILED LAWS, ORDER THE PERSON TO PAY THE COSTS OF THE
18 PROSECUTION. THE COURT SHALL ALSO IMPOSE SANCTIONS UNDER SECTION
19 26.

20 (4) A PERSON WHO IS CONVICTED OF VIOLATING SECTION 15A(2) IS
21 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
22 THAN 90 DAYS, OR A FINE OF NOT LESS THAN \$100.00 OR MORE THAN
23 \$500.00, OR BOTH.

24 (5) AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A CON-
25 VICTION FOR A VIOLATION OF SECTION 15A(1), (4), OR (5) OR FORMER
26 SECTION 15A, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
27 SECTION 15A(1) OR FORMER SECTION 15A, OR A LAW OF ANOTHER STATE

1 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1), (4), OR (5) OR
2 FORMER SECTION 15A.

3 SEC. 15C. (1) IF A PERSON IS CONVICTED OF VIOLATING SECTION
4 15A(3), THE FOLLOWING APPLY:

5 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) AND
6 (C), THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY 1 OR
7 MORE OF THE FOLLOWING:

8 (i) COMMUNITY SERVICE FOR NOT MORE THAN 45 DAYS.

9 (ii) IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

10 (iii) A FINE OF NOT MORE THAN \$300.00.

11 (B) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF 1 PRIOR CON-
12 VICTION, THE PERSON SHALL BE SENTENCED TO BOTH A FINE OF NOT LESS
13 THAN \$200.00 OR MORE THAN \$1,000.00, AND EITHER OF THE
14 FOLLOWING:

15 (i) COMMUNITY SERVICE FOR NOT LESS THAN 10 DAYS OR MORE THAN
16 90 DAYS, AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN 1
17 YEAR.

18 (ii) IMPRISONMENT FOR NOT MORE THAN 1 YEAR, AND MAY BE SEN-
19 TENCED TO COMMUNITY SERVICE FOR NOT MORE THAN 90 DAYS.

20 (C) IF THE VIOLATION OCCURS WITHIN 10 YEARS OF 2 OR MORE
21 PRIOR CONVICTIONS, THE PERSON SHALL BE SENTENCED TO BOTH A FINE
22 OF NOT LESS THAN \$200.00 OR MORE THAN \$1,000.00, AND EITHER OF
23 THE FOLLOWING:

24 (i) COMMUNITY SERVICE FOR A PERIOD OF NOT LESS THAN 10 DAYS
25 OR MORE THAN 90 DAYS, AND MAY BE SENTENCED TO IMPRISONMENT FOR
26 NOT MORE THAN 1 YEAR.

1 (ii) IMPRISONMENT FOR NOT MORE THAN 1 YEAR, AND MAY BE
2 SENTENCED TO COMMUNITY SERVICE FOR NOT MORE THAN 90 DAYS.

3 (2) IN ADDITION TO THE SANCTIONS PRESCRIBED IN SUBSECTION
4 (1), THE COURT MAY, PURSUANT TO THE CODE OF CRIMINAL PROCEDURE,
5 ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTIONS 760.1 TO
6 776.21 OF THE MICHIGAN COMPILED LAWS, ORDER THE PERSON TO PAY THE
7 COSTS OF THE PROSECUTION. THE COURT SHALL ALSO IMPOSE SANCTIONS
8 UNDER SECTION 26.

9 (3) A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY
10 UNDER THIS SECTION SHALL NOT RECEIVE COMPENSATION, AND SHALL
11 REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR
12 THE COST OF SUPERVISION INCURRED BY THE STATE OR LOCAL UNIT OF
13 GOVERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THAT
14 SERVICE.

15 (4) AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A CON-
16 VICTION FOR A VIOLATION OF SECTION 15A(1), (3), (4), OR (5) OR
17 FORMER SECTION 15A, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
18 TO SECTION 15A(1) OR (3) OR FORMER SECTION 15A, OR A LAW OF
19 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1), (3),
20 (4), OR (5) OR FORMER SECTION 15A.

21 SEC. 15D. (1) IF THE PROSECUTING ATTORNEY INTENDS TO SEEK
22 AN ENHANCED SENTENCE UNDER SECTION 15B OR 15C BASED UPON THE
23 DEFENDANT HAVING 1 OR MORE PRIOR CONVICTIONS, THE PROSECUTING
24 ATTORNEY SHALL INCLUDE ON THE COMPLAINT AND INFORMATION FILED IN
25 DISTRICT COURT, CIRCUIT COURT, RECORDER'S COURT, MUNICIPAL COURT,
26 OR PROBATE COURT A STATEMENT LISTING THE DEFENDANT'S PRIOR
27 CONVICTIONS.

1 (2) A PRIOR CONVICTION SHALL BE ESTABLISHED AT SENTENCING BY
2 1 OR MORE OF THE FOLLOWING:

3 (A) AN ABSTRACT OF CONVICTION.

4 (B) AN ADMISSION BY THE DEFENDANT.

5 (3) A PERSON WHO IS CONVICTED OF AN ATTEMPTED VIOLATION OF
6 SECTION 15A(1) OR (3) OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
7 SPONDING TO SECTION 15A(1) OR (3) SHALL BE PUNISHED AS IF THE
8 OFFENSE HAD BEEN COMPLETED.

9 (4) WHEN ISSUING AN ORDER UNDER THIS ACT, THE SECRETARY OF
10 STATE AND THE COURT SHALL TREAT A CONVICTION OF AN ATTEMPTED VIO-
11 LATION OF SECTION 15A(1) OR (3), A LOCAL ORDINANCE SUBSTANTIALLY
12 CORRESPONDING TO SECTION 15A(1) OR (3), OR A LAW OF ANOTHER STATE
13 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3) THE SAME AS
14 IF THE OFFENSE HAD BEEN COMPLETED.

15 Sec. 16. The operator of a snowmobile involved in an acci-
16 dent resulting in injuries to or death of any person, or property
17 damage in an estimated amount of \$100.00 or more shall immedi-
18 ately by the quickest means of communication notify a state
19 police officer or officers, or the sheriff's office of the county
20 ~~wherein~~ IN WHICH the accident occurred, or to the office of the
21 police department of the municipality ~~wherein~~ IN WHICH the
22 accident occurred. The police agency receiving the notice shall
23 complete a report of the accident on forms prescribed by the
24 director of the department of state police and forward the report
25 to the department of state police WITHIN 30 DAYS AFTER THE DATE
26 OF THE ACCIDENT. THE DEPARTMENT OF STATE POLICE SHALL FORWARD A
27 COPY OF ALL SNOWMOBILE ACCIDENT REPORTS TO THE DEPARTMENT OF

1 NATURAL RESOURCES WITHIN 30 DAYS AFTER RECEIPT OF THE ACCIDENT
2 REPORT.

3 SEC. 19. (1) A PEACE OFFICER, WITHOUT A WARRANT, MAY ARREST
4 A PERSON IF THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE
5 THAT THE PERSON WAS, AT THE TIME OF AN ACCIDENT, THE OPERATOR OF
6 A SNOWMOBILE INVOLVED IN THE ACCIDENT IN THIS STATE WHILE IN VIO-
7 LATION OF SECTION 15A(1), (3), (4), OR (5) OR A LOCAL ORDINANCE
8 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3).

9 (2) A PEACE OFFICER WHO HAS REASONABLE CAUSE TO BELIEVE THAT
10 A PERSON WAS OPERATING A SNOWMOBILE AND THAT, BY THE CONSUMPTION
11 OF INTOXICATING LIQUOR, THE PERSON MAY HAVE AFFECTED HIS OR HER
12 ABILITY TO OPERATE A SNOWMOBILE, MAY REQUIRE THE PERSON TO SUBMIT
13 TO A PRELIMINARY CHEMICAL BREATH ANALYSIS. THE FOLLOWING PROVI-
14 SIONS APPLY WITH RESPECT TO A PRELIMINARY CHEMICAL BREATH
15 ANALYSIS:

16 (A) A PEACE OFFICER MAY ARREST A PERSON BASED IN WHOLE OR IN
17 PART UPON THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS.

18 (B) THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS
19 ARE ADMISSIBLE IN A CRIMINAL PROSECUTION FOR A CRIME ENUMERATED
20 IN SECTION 27(1) OR IN AN ADMINISTRATIVE HEARING SOLELY TO ASSIST
21 THE COURT OR HEARING OFFICER IN DETERMINING A CHALLENGE TO THE
22 VALIDITY OF AN ARREST. THIS SUBDIVISION DOES NOT LIMIT THE
23 INTRODUCTION OF OTHER COMPETENT EVIDENCE OFFERED TO ESTABLISH THE
24 VALIDITY OF AN ARREST.

25 (C) A PERSON WHO SUBMITS TO A PRELIMINARY CHEMICAL BREATH
26 ANALYSIS REMAINS SUBJECT TO THE REQUIREMENTS OF SECTIONS 27 TO 30
27 FOR THE PURPOSES OF CHEMICAL TESTS DESCRIBED IN THOSE SECTIONS.

1 SEC. 20. (1) THE FOLLOWING PROVISIONS APPLY WITH RESPECT TO
2 A CHEMICAL TEST AND ANALYSIS OF A PERSON'S BLOOD, URINE, OR
3 BREATH, OTHER THAN A PRELIMINARY CHEMICAL BREATH ANALYSIS:

4 (A) THE AMOUNT OF ALCOHOL OR PRESENCE OF A CONTROLLED SUB-
5 STANCE, OR BOTH, IN AN OPERATOR'S BLOOD AT THE TIME ALLEGED AS
6 SHOWN BY CHEMICAL ANALYSIS OF THE PERSON'S BLOOD, URINE, OR
7 BREATH IS ADMISSIBLE INTO EVIDENCE IN ANY CIVIL OR CRIMINAL
8 PROCEEDING.

9 (B) A PERSON ARRESTED FOR A CRIME DESCRIBED IN SECTION 27(1)
10 SHALL BE ADVISED OF ALL OF THE FOLLOWING:

11 (i) THAT IF THE PERSON TAKES A CHEMICAL TEST OF HIS OR HER
12 BLOOD, URINE, OR BREATH ADMINISTERED AT THE REQUEST OF A PEACE
13 OFFICER, THE PERSON HAS THE RIGHT TO DEMAND THAT SOMEONE OF THE
14 PERSON'S OWN CHOOSING ADMINISTER 1 OF THE CHEMICAL TESTS; THAT
15 THE RESULTS OF THE TEST ARE ADMISSIBLE IN A JUDICIAL PROCEEDING
16 AS PROVIDED UNDER THIS ACT AND SHALL BE CONSIDERED WITH OTHER
17 COMPETENT EVIDENCE IN DETERMINING THE INNOCENCE OR GUILT OF THE
18 DEFENDANT; AND THAT THE PERSON IS RESPONSIBLE FOR OBTAINING A
19 CHEMICAL ANALYSIS OF A TEST SAMPLE OBTAINED PURSUANT TO THE
20 PERSON'S OWN REQUEST.

21 (ii) THAT IF THE PERSON REFUSES THE REQUEST OF A PEACE OFFI-
22 CER TO TAKE A TEST DESCRIBED IN SUBPARAGRAPH (i), THE TEST SHALL
23 NOT BE GIVEN WITHOUT A COURT ORDER, BUT THE PEACE OFFICER MAY
24 SEEK TO OBTAIN SUCH A COURT ORDER.

25 (iii) THAT THE PERSON'S REFUSAL OF THE REQUEST OF A PEACE
26 OFFICER TO TAKE A TEST DESCRIBED IN SUBPARAGRAPH (i) WILL RESULT

1 IN ISSUANCE OF AN ORDER THAT THE PERSON NOT OPERATE A
2 SNOWMOBILE.

3 (2) A SAMPLE OR SPECIMEN OF URINE OR BREATH SHALL BE TAKEN
4 AND COLLECTED IN A REASONABLE MANNER. ONLY A LICENSED PHYSICIAN,
5 OR A LICENSED NURSE OR MEDICAL TECHNICIAN UNDER THE DIRECTION OF
6 A LICENSED PHYSICIAN, QUALIFIED TO WITHDRAW BLOOD AND ACTING IN A
7 MEDICAL ENVIRONMENT, MAY WITHDRAW BLOOD AT THE REQUEST OF A PEACE
8 OFFICER FOR THE PURPOSE OF DETERMINING THE AMOUNT OF ALCOHOL OR
9 PRESENCE OF A CONTROLLED SUBSTANCE, OR BOTH, IN A PERSON'S BLOOD,
10 AS PROVIDED IN THIS SUBSECTION. A QUALIFIED PERSON WHO WITHDRAWS
11 OR ANALYZES BLOOD, OR ASSISTS IN THE WITHDRAWAL OR ANALYSIS, IN
12 ACCORDANCE WITH THIS ACT IS NOT LIABLE FOR A CRIME OR CIVIL DAM-
13 AGES PREDICATED ON THE ACT OF WITHDRAWING OR ANALYZING BLOOD AND
14 RELATED PROCEDURES UNLESS THE WITHDRAWAL OR ANALYSIS IS PERFORMED
15 IN A NEGLIGENT MANNER.

16 (3) A RULE RELATING TO A CHEMICAL TEST FOR ALCOHOL OR A CON-
17 TROLLED SUBSTANCE PROMULGATED UNDER THE MICHIGAN VEHICLE CODE,
18 ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTIONS 257.1 TO
19 257.923 OF THE MICHIGAN COMPILED LAWS, APPLIES TO A CHEMICAL TEST
20 ADMINISTERED UNDER THIS ACT.

21 SEC. 21. (1) A CHEMICAL TEST DESCRIBED IN SECTION 20 SHALL
22 BE ADMINISTERED AT THE REQUEST OF A PEACE OFFICER HAVING REASON-
23 ABLE GROUNDS TO BELIEVE THE PERSON HAS COMMITTED A CRIME
24 DESCRIBED IN SECTION 27(1). A PERSON WHO TAKES A CHEMICAL TEST
25 ADMINISTERED AT THE REQUEST OF A PEACE OFFICER, AS PROVIDED IN
26 SECTION 20, SHALL BE GIVEN A REASONABLE OPPORTUNITY TO HAVE
27 SOMEONE OF THE PERSON'S OWN CHOOSING ADMINISTER 1 OF THE CHEMICAL

1 TESTS DESCRIBED IN SECTION 20 WITHIN A REASONABLE TIME AFTER THE
2 PERSON'S DETENTION, AND THE RESULTS OF THE TEST ARE ADMISSIBLE
3 AND SHALL BE CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETER-
4 MINING THE INNOCENCE OR GUILT OF THE DEFENDANT. IF THE PERSON
5 CHARGED IS ADMINISTERED A CHEMICAL TEST BY SOMEONE OF THE
6 PERSON'S OWN CHOOSING, THE PERSON CHARGED IS RESPONSIBLE FOR
7 OBTAINING A CHEMICAL ANALYSIS OF THE TEST SAMPLE.

8 (2) IF, AFTER AN ACCIDENT, THE OPERATOR OF A SNOWMOBILE
9 INVOLVED IN AN ACCIDENT IS TRANSPORTED TO A MEDICAL FACILITY AND
10 A SAMPLE OF THE OPERATOR'S BLOOD IS WITHDRAWN AT THAT TIME FOR
11 THE PURPOSE OF MEDICAL TREATMENT, THE RESULTS OF A CHEMICAL ANAL-
12 YSIS OF THAT SAMPLE IS ADMISSIBLE IN ANY CIVIL OR CRIMINAL PRO-
13 CEEDING TO SHOW THE AMOUNT OF ALCOHOL OR PRESENCE OF A CONTROLLED
14 SUBSTANCE, OR BOTH, IN THE PERSON'S BLOOD AT THE TIME ALLEGED,
15 REGARDLESS OF WHETHER THE PERSON HAD BEEN OFFERED OR HAD REFUSED
16 A CHEMICAL TEST. THE MEDICAL FACILITY OR PERSON PERFORMING THE
17 CHEMICAL ANALYSIS SHALL DISCLOSE THE RESULTS OF THE ANALYSIS TO A
18 PROSECUTING ATTORNEY WHO REQUESTS THE RESULTS FOR USE IN A CRIMI-
19 NAL PROSECUTION AS PROVIDED IN THIS SUBSECTION. A MEDICAL FACIL-
20 ITY OR PERSON DISCLOSING INFORMATION IN COMPLIANCE WITH THIS SUB-
21 SECTION IS NOT CIVILLY OR CRIMINALLY LIABLE FOR MAKING THE
22 DISCLOSURE.

23 (3) IF, AFTER AN ACCIDENT, THE OPERATOR OF A SNOWMOBILE
24 INVOLVED IN AN ACCIDENT IS DECEASED, A SAMPLE OF THE DECEDENT'S
25 BLOOD SHALL BE WITHDRAWN IN A MANNER DIRECTED BY THE MEDICAL
26 EXAMINER FOR THE PURPOSE OF DETERMINING THE AMOUNT OF ALCOHOL OR
27 THE PRESENCE OF A CONTROLLED SUBSTANCE, OR BOTH, IN THE

1 DECEDENT'S BLOOD. THE MEDICAL EXAMINER SHALL GIVE THE RESULTS OF
2 THE CHEMICAL ANALYSIS OF THE SAMPLE TO THE LAW ENFORCEMENT AGENCY
3 INVESTIGATING THE ACCIDENT, AND THAT AGENCY SHALL FORWARD THE
4 RESULTS TO THE DEPARTMENT OF STATE POLICE.

5 SEC. 22. (1) THE PROVISIONS OF SECTIONS 20 AND 21 RELATING
6 TO CHEMICAL TESTING DO NOT LIMIT THE INTRODUCTION OF ANY OTHER
7 COMPETENT EVIDENCE BEARING UPON THE QUESTION OF WHETHER A PERSON
8 WAS IMPAIRED BY, OR UNDER THE INFLUENCE OF, INTOXICATING LIQUOR
9 OR A CONTROLLED SUBSTANCE, OR BOTH, OR WHETHER THE PERSON HAD A
10 BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

11 (2) IF A CHEMICAL TEST DESCRIBED IN SECTIONS 20 AND 21 IS
12 ADMINISTERED, THE RESULTS OF THE TEST SHALL BE MADE AVAILABLE TO
13 THE PERSON CHARGED OR THE PERSON'S ATTORNEY UPON WRITTEN REQUEST
14 TO THE PROSECUTION, WITH A COPY OF THE REQUEST FILED WITH THE
15 COURT. THE PROSECUTION SHALL FURNISH THE RESULTS AT LEAST 2 DAYS
16 BEFORE THE DAY OF THE TRIAL. THE RESULTS OF THE TEST SHALL BE
17 OFFERED AS EVIDENCE BY THE PROSECUTION IN THAT TRIAL. FAILURE TO
18 FULLY COMPLY WITH THE REQUEST BARS THE ADMISSION OF THE RESULTS
19 INTO EVIDENCE BY THE PROSECUTION.

20 SEC. 23. (1) EXCEPT IN A PROSECUTION RELATING SOLELY TO A
21 VIOLATION OF SECTION 15A(1)(B), THE AMOUNT OF ALCOHOL IN THE
22 DRIVER'S BLOOD AT THE TIME ALLEGED AS SHOWN BY CHEMICAL ANALYSIS
23 OF THE PERSON'S BLOOD, URINE, OR BREATH GIVES RISE TO THE FOLLOW-
24 ING PRESUMPTIONS:

25 (A) IF THERE WAS AT THE TIME 0.07% OR LESS BY WEIGHT OF
26 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE
27 DEFENDANT'S ABILITY TO OPERATE A SNOWMOBILE WAS NOT IMPAIRED DUE

1 TO THE CONSUMPTION OF INTOXICATING LIQUOR AND THAT THE DEFENDANT
2 WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

3 (B) IF THERE WAS AT THE TIME IN EXCESS OF 0.07% BUT LESS
4 THAN 0.10% BY WEIGHT OF ALCOHOL IN THE DEFENDANT'S BLOOD, IT
5 SHALL BE PRESUMED THAT THE DEFENDANT'S ABILITY TO OPERATE A SNOW-
6 MOBILE WAS IMPAIRED WITHIN THE PROVISIONS OF SECTION 15A(3) DUE
7 TO THE CONSUMPTION OF INTOXICATING LIQUOR.

8 (C) IF THERE WAS AT THE TIME 0.10% OR MORE BY WEIGHT OF
9 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE
10 DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

11 (2) A PERSON'S REFUSAL TO SUBMIT TO A CHEMICAL TEST AS PRO-
12 VIDED IN SECTIONS 20 AND 21 IS ADMISSIBLE IN A CRIMINAL PROSECU-
13 TION FOR A CRIME DESCRIBED IN SECTION 27(1) ONLY FOR THE PURPOSE
14 OF SHOWING THAT A TEST WAS OFFERED TO THE DEFENDANT, BUT NOT AS
15 EVIDENCE IN DETERMINING INNOCENCE OR GUILT OF THE DEFENDANT. THE
16 JURY SHALL BE INSTRUCTED ACCORDINGLY.

17 SEC. 24. (1) A PERSON ARRESTED FOR A MISDEMEANOR VIOLATION
18 OF SECTION 15A(1) OR (3), OR A LOCAL ORDINANCE SUBSTANTIALLY COR-
19 RESPONDING TO SECTION 15A(1) OR (3), SHALL BE ARRAIGNED ON THE
20 CITATION, COMPLAINT, OR WARRANT NOT MORE THAN 14 DAYS AFTER THE
21 DATE OF ARREST OR, IF AN ARREST WARRANT IS REISSUED, NOT MORE
22 THAN 14 DAYS AFTER THE REISSUED ARREST WARRANT IS SERVED.

23 (2) THE COURT SHALL SCHEDULE A PRETRIAL CONFERENCE BETWEEN
24 THE PROSECUTING ATTORNEY, THE DEFENDANT, AND THE DEFENDANT'S
25 ATTORNEY IN EACH CASE IN WHICH THE DEFENDANT IS CHARGED WITH A
26 MISDEMEANOR VIOLATION OF SECTION 15A(1) OR (3) OR A LOCAL
27 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3).

1 THE PRETRIAL CONFERENCE SHALL BE HELD NOT MORE THAN 35 DAYS AFTER
2 THE DATE OF THE PERSON'S ARREST FOR THE VIOLATION OR, IF AN
3 ARREST WARRANT IS REISSUED, NOT MORE THAN 35 DAYS AFTER THE DATE
4 THE REISSUED ARREST WARRANT IS SERVED. IF THE COURT HAS ONLY 1
5 JUDGE WHO SITS IN MORE THAN 1 LOCATION IN THE DISTRICT, THE PRE-
6 TRIAL CONFERENCE SHALL BE HELD NOT MORE THAN 42 DAYS AFTER THE
7 DATE OF THE PERSON'S ARREST FOR THE VIOLATION OR, IF AN ARREST
8 WARRANT IS REISSUED, NOT MORE THAN 42 DAYS AFTER THE DATE THE
9 REISSUED ARREST WARRANT IS SERVED.

10 (3) THE COURT SHALL ORDER THE DEFENDANT TO ATTEND THE PRE-
11 TRIAL CONFERENCE AND MAY ACCEPT A PLEA BY THE DEFENDANT AT THE
12 CONCLUSION OF THE PRETRIAL CONFERENCE. THE COURT MAY ADJOURN THE
13 PRETRIAL CONFERENCE UPON THE MOTION OF A PARTY FOR GOOD CAUSE
14 SHOWN. NOT MORE THAN 1 ADJOURNMENT SHALL BE GRANTED TO A PARTY,
15 AND THE LENGTH OF AN ADJOURNMENT SHALL NOT EXCEED 14 DAYS.

16 (4) UNLESS THERE IS A DELAY ATTRIBUTABLE TO THE UNAVAILABIL-
17 ITY OF THE DEFENDANT, A WITNESS, OR MATERIAL EVIDENCE OR TO AN
18 INTERLOCUTORY APPEAL OR EXCEPTIONAL CIRCUMSTANCES, BUT NOT A
19 DELAY ATTRIBUTABLE TO DOCKET CONGESTION, THE COURT SHALL FINALLY
20 ADJUDICATE A CASE IN WHICH THE DEFENDANT IS CHARGED WITH A MISDE-
21 MEANOR VIOLATION OF SECTION 15A(1) OR (3) OR A LOCAL ORDINANCE
22 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3), BY A PLEA
23 OF GUILTY OR NOLO CONTENDERE, BY THE ENTRY OF A VERDICT, OR BY
24 OTHER FINAL DISPOSITION WITHIN 77 DAYS AFTER THE PERSON IS
25 ARRESTED FOR THE VIOLATION OR, IF AN ARREST WARRANT IS REISSUED,
26 NOT MORE THAN 77 DAYS AFTER THE DATE THE REISSUED ARREST WARRANT
27 IS SERVED.

1 SEC. 25. (1) BEFORE ACCEPTING A PLEA OF GUILTY OR NOLO
2 CONTENDERE UNDER SECTION 15A OR A LOCAL ORDINANCE SUBSTANTIALLY
3 CORRESPONDING TO SECTION 15A(1), (2), OR (3), THE COURT SHALL
4 ADVISE THE ACCUSED OF THE MAXIMUM POSSIBLE TERM OF IMPRISONMENT
5 AND THE MAXIMUM POSSIBLE FINE THAT MAY BE IMPOSED FOR THE
6 VIOLATION.

7 (2) BEFORE IMPOSING SENTENCE, OTHER THAN COURT-ORDERED OPER-
8 ATING SANCTIONS, FOR A VIOLATION OF SECTION 15A(1), (3), (4), OR
9 (5) OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
10 15A(1) OR (3), THE COURT SHALL ORDER THE PERSON TO UNDERGO
11 SCREENING AND ASSESSMENT BY A PERSON OR AGENCY DESIGNATED BY THE
12 OFFICE OF SUBSTANCE ABUSE SERVICES TO DETERMINE WHETHER THE
13 PERSON IS LIKELY TO BENEFIT FROM REHABILITATIVE SERVICES, INCLUD-
14 ING ALCOHOL OR DRUG EDUCATION OR TREATMENT PROGRAMS. AS PART OF
15 THE SENTENCE, THE COURT MAY ORDER THE PERSON TO PARTICIPATE IN
16 AND SUCCESSFULLY COMPLETE 1 OR MORE APPROPRIATE REHABILITATIVE
17 PROGRAMS. THE PERSON SHALL PAY FOR THE COSTS OF THE SCREENING,
18 ASSESSMENT, AND REHABILITATIVE SERVICES.

19 SEC. 26. (1) IMMEDIATELY UPON ACCEPTANCE BY THE COURT OF A
20 PLEA OF GUILTY OR NOLO CONTENDERE OR UPON ENTRY OF A VERDICT OF
21 GUILTY FOR A VIOLATION OF SECTION 15A(1), (3), (4), OR (5) OR A
22 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR
23 (3), WHETHER OR NOT THE PERSON IS ELIGIBLE TO BE SENTENCED AS A
24 MULTIPLE OFFENDER, THE COURT SHALL CONSIDER ALL PRIOR CONVICTIONS
25 ESTABLISHED UNDER SECTION 15D, EXCEPT THOSE CONVICTIONS THAT,
26 UPON MOTION BY THE DEFENDANT, ARE DETERMINED BY THE COURT TO BE

1 CONSTITUTIONALLY INVALID, AND SHALL IMPOSE THE FOLLOWING
2 SANCTIONS:

3 (A) FOR A CONVICTION UNDER SECTION 15A(4) OR (5), THE COURT
4 SHALL ORDER, WITHOUT AN EXPIRATION DATE, THAT THE PERSON NOT
5 OPERATE A SNOWMOBILE.

6 (B) FOR A CONVICTION UNDER SECTION 15A(1) OR A LOCAL ORDI-
7 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1):

8 (i) IF THE COURT FINDS THAT THE PERSON HAS NO PRIOR CONVIC-
9 TIONS WITHIN 7 YEARS FOR A VIOLATION OF SECTION 15A(1), (3), (4),
10 OR (5) OR FORMER SECTION 15A OR ANOTHER SNOWMOBILE SUBSTANCE
11 ABUSE OFFENSE OR THAT THE PERSON HAS 1 PRIOR CONVICTION WITHIN 7
12 YEARS FOR A VIOLATION OF SECTION 15A(3), A LOCAL ORDINANCE SUB-
13 STANTIALLY CORRESPONDING TO SECTION 15A(3), OR A LAW OF ANOTHER
14 STATE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(3), THE COURT
15 SHALL ORDER THAT THE PERSON NOT OPERATE A SNOWMOBILE FOR NOT LESS
16 THAN 6 MONTHS OR MORE THAN 2 YEARS.

17 (ii) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE PRIOR
18 CONVICTIONS WITHIN 7 YEARS FOR A VIOLATION OF SECTION 15A(1),
19 (4), OR (5) OR FORMER SECTION 15A, A LOCAL ORDINANCE SUBSTAN-
20 Tially CORRESPONDING TO SECTION 15A(1) OR FORMER SECTION 15A, OR
21 A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION
22 15A(1), (4), OR (5) OR FORMER SECTION 15A, OR THAT THE PERSON HAS
23 2 OR MORE PRIOR CONVICTIONS WITHIN 10 YEARS FOR A VIOLATION OF
24 SECTION 15A(1), (3), (4), OR (5) OR FORMER SECTION 15A, OR
25 ANOTHER SNOWMOBILE SUBSTANCE ABUSE OFFENSE, THE COURT SHALL
26 ORDER, WITHOUT AN EXPIRATION DATE, THAT THE PERSON NOT OPERATE A
27 SNOWMOBILE.

1 (C) FOR A CONVICTION UNDER SECTION 15A(3) OR A LOCAL
2 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(3):

3 (i) IF THE COURT FINDS THAT THE CONVICTED PERSON HAS NO
4 PRIOR CONVICTION WITHIN 7 YEARS FOR A VIOLATION OF SECTION
5 15A(1), (3), (4), OR (5), FORMER SECTION 15A, OR ANOTHER SNOWMO-
6 BILE SUBSTANCE ABUSE OFFENSE, THE COURT SHALL ORDER THAT THE
7 PERSON NOT OPERATE A SNOWMOBILE FOR NOT LESS THAN 90 DAYS OR MORE
8 THAN 1 YEAR.

9 (ii) IF THE COURT FINDS THAT THE PERSON HAS 1 PRIOR CONVIC-
10 TION WITHIN 7 YEARS FOR A VIOLATION OF SECTION 15A(1), (3), (4),
11 OR (5), FORMER SECTION 15A, OR ANOTHER SNOWMOBILE SUBSTANCE ABUSE
12 OFFENSE, THE COURT SHALL ORDER THAT THE PERSON NOT OPERATE A
13 SNOWMOBILE FOR NOT LESS THAN 6 MONTHS OR MORE THAN 2 YEARS.

14 (iii) IF THE COURT FINDS THAT THE PERSON HAS 2 OR MORE PRIOR
15 CONVICTIONS WITHIN 10 YEARS FOR A VIOLATION OF SECTION 15A(1),
16 (3), (4), OR (5), FORMER SECTION 15A, OR ANOTHER SNOWMOBILE SUB-
17 STANCE ABUSE OFFENSE, THE COURT SHALL ORDER, WITHOUT AN EXPIRA-
18 TION DATE, THE PERSON NOT TO OPERATE A SNOWMOBILE.

19 (2) AS USED IN THIS SECTION, "ANOTHER SNOWMOBILE SUBSTANCE
20 ABUSE OFFENSE" MEANS A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
21 ING TO SECTION 15A(1) OR (3) OR A LAW OF ANOTHER STATE SUBSTAN-
22 Tially CORRESPONDING TO SECTION 15A(1), (3), (4), OR (5).

23 SEC. 27. (1) A PERSON WHO OPERATES A SNOWMOBILE IS CONSID-
24 ERED TO HAVE GIVEN CONSENT TO CHEMICAL TESTS OF HIS OR HER BLOOD,
25 BREATH, OR URINE FOR THE PURPOSE OF DETERMINING THE AMOUNT OF
26 ALCOHOL OR PRESENCE OF A CONTROLLED SUBSTANCE, OR BOTH, IN HIS OR
27 HER BLOOD IN ALL OF THE FOLLOWING CIRCUMSTANCES:

1 (A) THE PERSON IS ARRESTED FOR A VIOLATION OF SECTION
2 15A(1), (3), (4), OR (5) OR A LOCAL ORDINANCE SUBSTANTIALLY COR-
3 RESPONDING TO SECTION 15A(1) OR (3).

4 (B) THE PERSON IS ARRESTED FOR NEGLIGENT HOMICIDE, MAN-
5 SLAUGHTER, OR MURDER RESULTING FROM THE OPERATION OF A SNOWMO-
6 BILE, AND THE PEACE OFFICER HAD REASONABLE GROUNDS TO BELIEVE
7 THAT THE PERSON WAS OPERATING THE SNOWMOBILE WHILE IMPAIRED BY,
8 OR UNDER THE INFLUENCE OF, INTOXICATING LIQUOR OR A CONTROLLED
9 SUBSTANCE, OR BOTH, OR WHILE HAVING A BLOOD ALCOHOL CONTENT OF
10 0.10% OR MORE BY WEIGHT OF ALCOHOL.

11 (2) A PERSON WHO IS AFFLICTED WITH HEMOPHILIA, DIABETES, OR
12 A CONDITION REQUIRING THE USE OF AN ANTICOAGULANT UNDER THE
13 DIRECTION OF A PHYSICIAN SHALL NOT BE CONSIDERED TO HAVE GIVEN
14 CONSENT TO THE WITHDRAWAL OF BLOOD.

15 (3) A CHEMICAL TEST DESCRIBED IN SUBSECTION (1) SHALL BE
16 ADMINISTERED AS PROVIDED IN SECTIONS 20 AND 21.

17 SEC. 28. (1) IF A PERSON REFUSES THE REQUEST OF A PEACE
18 OFFICER TO SUBMIT TO A CHEMICAL TEST OFFERED PURSUANT TO SECTION
19 20 OR 21, A TEST SHALL NOT BE GIVEN WITHOUT A COURT ORDER, BUT
20 THE OFFICER MAY SEEK TO OBTAIN THE COURT ORDER.

21 (2) IF A PERSON REFUSES A CHEMICAL TEST OFFERED PURSUANT TO
22 SECTION 20 OR 21, OR SUBMITS TO THE CHEMICAL TEST AND THE TEST
23 REVEALS A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF
24 ALCOHOL, THE PEACE OFFICER WHO REQUESTED THE PERSON TO SUBMIT TO
25 THE TEST SHALL IMMEDIATELY FORWARD A WRITTEN REPORT TO THE SECRE-
26 TARY OF STATE. THE REPORT SHALL STATE THAT THE OFFICER HAD
27 REASONABLE GROUNDS TO BELIEVE THAT THE PERSON HAD COMMITTED A

1 CRIME DESCRIBED IN SECTION 27(1), AND EITHER THAT THE PERSON HAS
2 REFUSED TO SUBMIT TO THE TEST UPON THE REQUEST OF THE PEACE OFFI-
3 CER AND HAS BEEN ADVISED OF THE CONSEQUENCES OF THE REFUSAL OR
4 THAT THE TEST REVEALED A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE
5 BY WEIGHT OF ALCOHOL. THE FORM OF THE REPORT SHALL BE PRESCRIBED
6 AND FURNISHED BY THE SECRETARY OF STATE.

7 SEC. 29. (1) IF A PERSON REFUSES TO SUBMIT TO A CHEMICAL
8 TEST PURSUANT TO SECTION 28, THE PEACE OFFICER SHALL IMMEDIATELY
9 NOTIFY THE PERSON IN WRITING THAT WITHIN 14 DAYS OF THE DATE OF
10 THE NOTICE THE PERSON MAY REQUEST A HEARING AS PROVIDED IN SEC-
11 TION 30. THE FORM OF THE NOTICE SHALL BE PRESCRIBED AND FUR-
12 NISHED BY THE SECRETARY OF STATE.

13 (2) THE NOTICE SHALL SPECIFICALLY STATE THAT FAILURE TO
14 REQUEST A HEARING WITHIN 14 DAYS WILL RESULT IN ISSUANCE OF AN
15 ORDER THAT THE PERSON NOT OPERATE A SNOWMOBILE. THE NOTICE SHALL
16 ALSO STATE THAT THERE IS NOT A REQUIREMENT THAT THE PERSON RETAIN
17 COUNSEL FOR THE HEARING, THOUGH COUNSEL IS PERMITTED TO REPRESENT
18 THE PERSON AT THE HEARING.

19 SEC. 30. (1) IF A PERSON WHO REFUSES TO SUBMIT TO A CHEMI-
20 CAL TEST PURSUANT TO SECTION 28 DOES NOT REQUEST A HEARING WITHIN
21 14 DAYS OF THE DATE OF NOTICE PURSUANT TO SECTION 29, THE SECRE-
22 TARY OF STATE SHALL ISSUE AN ORDER THAT THE PERSON NOT OPERATE A
23 SNOWMOBILE FOR 6 MONTHS OR, FOR A SECOND OR SUBSEQUENT REFUSAL
24 WITHIN 7 YEARS, FOR 1 YEAR.

25 (2) IF A HEARING IS REQUESTED, THE SECRETARY OF STATE SHALL
26 HOLD THE HEARING IN THE SAME MANNER AND UNDER THE SAME CONDITIONS
27 AS PROVIDED IN SECTION 322 OF THE MICHIGAN VEHICLE CODE, ACT

1 NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.322 OF THE
2 MICHIGAN COMPILED LAWS. A PERSON SHALL NOT ORDER A HEARING OFFI-
3 CER TO MAKE A PARTICULAR FINDING ON ANY ISSUE ENUMERATED UNDER
4 SUBDIVISIONS (A) TO (D). NOT LESS THAN 5 DAYS' NOTICE OF THE
5 HEARING SHALL BE MAILED TO THE PERSON REQUESTING THE HEARING, TO
6 THE PEACE OFFICER WHO FILED THE REPORT UNDER SECTION 28, AND IF
7 THE PROSECUTING ATTORNEY REQUESTS RECEIPT OF THE NOTICE, TO THE
8 PROSECUTING ATTORNEY OF THE COUNTY WHERE THE ARREST WAS MADE.
9 THE HEARING OFFICER MAY ADMINISTER OATHS, ISSUE SUBPOENAS FOR THE
10 ATTENDANCE OF NECESSARY WITNESSES, AND GRANT A REASONABLE REQUEST
11 FOR AN ADJOURNMENT. NOT MORE THAN 1 ADJOURNMENT SHALL BE GRANTED
12 TO A PARTY, AND THE LENGTH OF AN ADJOURNMENT SHALL NOT EXCEED 14
13 DAYS. A HEARING UNDER THIS SUBSECTION SHALL BE SCHEDULED TO BE
14 HELD WITHIN 45 DAYS AFTER THE DATE OF ARREST AND, EXCEPT FOR
15 DELAY ATTRIBUTABLE TO THE UNAVAILABILITY OF THE DEFENDANT, A WIT-
16 NESS, OR MATERIAL EVIDENCE OR TO AN INTERLOCUTORY APPEAL OR
17 EXCEPTIONAL CIRCUMSTANCES, BUT NOT FOR DELAY ATTRIBUTABLE TO
18 DOCKET CONGESTION, SHALL BE FINALLY ADJUDICATED WITHIN 77 DAYS
19 AFTER THE DATE OF ARREST. THE HEARING SHALL COVER ONLY THE FOL-
20 LOWING ISSUES:

21 (A) WHETHER THE PEACE OFFICER HAD REASONABLE GROUNDS TO
22 BELIEVE THAT THE PERSON HAD COMMITTED A CRIME DESCRIBED IN SEC-
23 TION 27(1).

24 (B) WHETHER THE PERSON WAS PLACED UNDER ARREST FOR A CRIME
25 DESCRIBED IN SECTION 27(1).

26 (C) IF THE PERSON REFUSED TO SUBMIT TO THE TEST UPON THE
27 REQUEST OF THE OFFICER, WHETHER THE REFUSAL WAS REASONABLE.

1 (D) WHETHER THE PERSON WAS ADVISED OF HIS OR HER RIGHTS
2 UNDER SECTION 20.

3 (3) THE HEARING OFFICER SHALL MAKE A RECORD OF PROCEEDINGS
4 HELD PURSUANT TO SUBSECTION (2). THE RECORD SHALL BE PREPARED
5 AND TRANSCRIBED IN ACCORDANCE WITH SECTION 86 OF THE ADMINISTRA-
6 TIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF
7 1969, BEING SECTION 24.286 OF THE MICHIGAN COMPILED LAWS. UPON
8 NOTIFICATION OF THE FILING OF A PETITION FOR JUDICIAL REVIEW PUR-
9 SUANT TO SECTION 34 AND NOT LESS THAN 10 DAYS BEFORE THE MATTER
10 IS SET FOR REVIEW, THE HEARING OFFICER SHALL TRANSMIT TO THE
11 COURT IN WHICH THE PETITION IS FILED THE ORIGINAL OR A CERTIFIED
12 COPY OF THE OFFICIAL RECORD OF THE PROCEEDINGS. THE PARTIES TO
13 THE PROCEEDINGS FOR JUDICIAL REVIEW MAY STIPULATE THAT THE RECORD
14 BE SHORTENED. A PARTY UNREASONABLY REFUSING TO STIPULATE TO A
15 SHORTENED RECORD MAY BE TAXED BY THE COURT IN WHICH THE PETITION
16 IS FILED FOR THE ADDITIONAL COSTS. THE COURT MAY PERMIT SUBSE-
17 QUENT CORRECTIONS TO THE RECORD.

18 (4) AFTER A HEARING, IF THE PERSON WHO REQUESTED THE HEARING
19 DOES NOT PREVAIL, THE SECRETARY OF STATE SHALL ORDER THAT THE
20 PERSON NOT OPERATE A SNOWMOBILE FOR 6 MONTHS OR, FOR A SECOND OR
21 SUBSEQUENT REFUSAL WITHIN 7 YEARS, FOR 1 YEAR. THE PERSON MAY
22 FILE A PETITION IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE
23 ARREST WAS MADE TO REVIEW THE ORDER AS PROVIDED IN SECTION 34.
24 IF AFTER THE HEARING THE PERSON WHO REQUESTED THE HEARING PRE-
25 VAILS, THE PEACE OFFICER WHO FILED THE REPORT UNDER SECTION 28
26 MAY, WITH THE CONSENT OF THE PROSECUTING ATTORNEY, FILE A
27 PETITION IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE ARREST

1 WAS MADE TO REVIEW THE DETERMINATION OF THE HEARING OFFICER AS
2 PROVIDED IN SECTION 34.

3 SEC. 31. (1) NOTWITHSTANDING A COURT ORDER ISSUED UNDER
4 SECTION 15A(1), (3), (4), OR (5), SECTIONS 24 TO 26, OR A LOCAL
5 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3),
6 OR SECTIONS 24 TO 26, IF A COURT HAS NOT ORDERED A PERSON NOT TO
7 OPERATE A SNOWMOBILE AS AUTHORIZED BY THIS ACT, THE SECRETARY OF
8 STATE SHALL ISSUE AN ORDER THAT THE PERSON NOT OPERATE A SNOWMO-
9 BILE AS FOLLOWS:

10 (A) FOR NOT LESS THAN 90 DAYS OR MORE THAN 1 YEAR, UPON
11 RECEIVING A RECORD OF THE CONVICTION OF THE PERSON FOR A VIOLA-
12 TION OF SECTION 15A(3), A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
13 SPONDING TO SECTION 15A(3), OR A LAW OF ANOTHER STATE SUBSTAN-
14 Tially CORRESPONDING TO SECTION 15A(3), IF THE PERSON HAS NO
15 PRIOR CONVICTIONS WITHIN 7 YEARS FOR A VIOLATION OF SECTION
16 15A(1), (3), (4), OR (5) OR FORMER SECTION 15A, A LOCAL ORDINANCE
17 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3) OR FORMER
18 SECTION 15A, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPOND-
19 ING TO SECTION 15A(1), (3), (4), OR (5) OR FORMER SECTION 15A.

20 (B) FOR NOT LESS THAN 6 MONTHS OR MORE THAN 2 YEARS, IF THE
21 PERSON HAS THE FOLLOWING CONVICTIONS WITHIN A 7-YEAR PERIOD,
22 WHETHER UNDER THE LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTAN-
23 Tially CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER
24 STATE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE:

25 (i) ONE CONVICTION UNDER SECTION 15A(1) OR FORMER
26 SECTION 15A.

1 (ii) TWO CONVICTIONS UNDER SECTION 15A(3) OR FORMER
2 SECTION 15A.

3 (iii) ONE CONVICTION UNDER SECTION 15A(1) AND 1 CONVICTION
4 UNDER SECTION 15A(3) OR FORMER SECTION 15A.

5 (iv) ONE CONVICTION UNDER SECTION 15A(4) OR (5) FOLLOWED BY
6 1 CONVICTION UNDER SECTION 15A(3).

7 (2) IF THE SECRETARY OF STATE RECEIVES RECORDS OF MORE THAN
8 1 CONVICTION OR PROBATE COURT DISPOSITION OF A PERSON RESULTING
9 FROM THE SAME INCIDENT, A SUSPENSION SHALL BE IMPOSED ONLY FOR
10 THE VIOLATION TO WHICH THE LONGEST PERIOD OF SUSPENSION APPLIES
11 UNDER THIS SECTION.

12 SEC. 32. (1) UPON RECEIPT OF THE APPROPRIATE RECORDS OF
13 CONVICTION, THE SECRETARY OF STATE SHALL ISSUE AN ORDER WITH NO
14 EXPIRATION DATE THAT THE PERSON NOT OPERATE A SNOWMOBILE TO A
15 PERSON HAVING ANY OF THE FOLLOWING CONVICTIONS, WHETHER UNDER A
16 LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
17 TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY
18 CORRESPONDING TO A LAW OF THIS STATE:

19 (A) TWO CONVICTIONS OF A FELONY INVOLVING THE USE OF A SNOW-
20 MOBILE WITHIN 7 YEARS.

21 (B) ANY COMBINATION OF 2 CONVICTIONS WITHIN 7 YEARS FOR 1 OR
22 MORE OF THE FOLLOWING:

23 (i) A VIOLATION OF SECTION 15A(1) OR FORMER SECTION 15A.

24 (ii) A VIOLATION OF SECTION 15A(4) OR (5).

25 (C) ONE CONVICTION UNDER SECTION 15A(4) OR (5).

1 (D) ANY COMBINATION OF 3 CONVICTIONS WITHIN 10 YEARS FOR A
2 VIOLATION OF SECTION 15A(1), (3), (4), OR (5) OR FORMER
3 SECTION 15A.

4 (2) THE SECRETARY OF STATE SHALL ISSUE AN ORDER WITH NO
5 EXPIRATION DATE THAT A PERSON NOT OPERATE A SNOWMOBILE NOTWITH-
6 STANDING A COURT ORDER ISSUED UNDER SECTION 15A, SECTIONS 24 TO
7 26, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
8 15A OR SECTIONS 24 TO 26. THE SECRETARY OF STATE SHALL NOT TER-
9 MINATE AN INDEFINITE ORDER ISSUED UNDER THIS ACT UNTIL BOTH OF
10 THE FOLLOWING OCCUR:

11 (A) THE LATER OF THE FOLLOWING:

12 (i) THE EXPIRATION OF NOT LESS THAN 1 YEAR AFTER THE ORDER
13 WAS ISSUED.

14 (ii) THE EXPIRATION OF NOT LESS THAN 5 YEARS AFTER THE DATE
15 OF A SUBSEQUENT ISSUANCE OF AN INDEFINITE ORDER OCCURRING WITHIN
16 7 YEARS AFTER THE DATE OF A PRIOR ORDER.

17 (B) THE PERSON MEETS THE REQUIREMENTS OF THE DEPARTMENT.

18 (3) MULTIPLE CONVICTIONS OR PROBATE COURT DISPOSITIONS
19 RESULTING FROM THE SAME INCIDENT SHALL BE TREATED AS A SINGLE
20 VIOLATION FOR PURPOSES OF ISSUANCE OF AN ORDER UNDER THIS
21 SECTION.

22 (4) A PERSON WHO IS AGGRIEVED BY THE ISSUANCE OF AN ORDER BY
23 THE SECRETARY OF STATE UNDER THIS SECTION MAY REQUEST A HEARING
24 WITH THE SECRETARY OF STATE. THE HEARING SHALL BE REQUESTED
25 WITHIN 14 DAYS AFTER ISSUANCE OF AN ORDER UNDER THIS SECTION BY
26 THE SECRETARY OF STATE. IF A HEARING IS REQUESTED, THE SECRETARY
27 OF STATE SHALL HOLD THE HEARING IN THE SAME MANNER AND UNDER THE

1 SAME CONDITIONS AS PROVIDED IN SECTION 322 OF THE MICHIGAN
2 VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING
3 SECTION 257.322 OF THE MICHIGAN COMPILED LAWS.

4 (5) THE HEARING OFFICER SHALL MAKE A RECORD OF PROCEEDINGS
5 HELD PURSUANT TO SUBSECTION (2). THE RECORD SHALL BE PREPARED
6 AND TRANSCRIBED IN ACCORDANCE WITH SECTION 86 OF THE ADMINISTRA-
7 TIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF
8 1969, BEING SECTION 24.286 OF THE MICHIGAN COMPILED LAWS. UPON
9 NOTIFICATION OF THE FILING OF A PETITION FOR JUDICIAL REVIEW PUR-
10 SUANT TO SECTION 34 AND NOT LESS THAN 10 DAYS BEFORE THE MATTER
11 IS SET FOR REVIEW, THE HEARING OFFICER SHALL TRANSMIT TO THE
12 COURT IN WHICH THE PETITION IS FILED THE ORIGINAL OR A CERTIFIED
13 COPY OF THE OFFICIAL RECORD OF THE PROCEEDINGS. THE PARTIES TO
14 THE PROCEEDINGS FOR JUDICIAL REVIEW MAY STIPULATE THAT THE RECORD
15 BE SHORTENED. A PARTY UNREASONABLY REFUSING TO STIPULATE TO A
16 SHORTENED RECORD MAY BE TAXED BY THE COURT IN WHICH THE PETITION
17 IS FILED FOR THE ADDITIONAL COSTS. THE COURT MAY PERMIT SUBSE-
18 QUENT CORRECTIONS TO THE RECORD.

19 (6) JUDICIAL REVIEW OF AN ADMINISTRATIVE SANCTION UNDER THIS
20 SECTION IS GOVERNED BY THE LAW IN EFFECT AT THE TIME THE OFFENSE
21 WAS COMMITTED OR ATTEMPTED.

22 SEC. 33. (1) IF A PERSON IS CHARGED WITH, OR CONVICTED OF,
23 A VIOLATION OF SECTION 15A(1), (2), (3), (4), OR (5) OR A LOCAL
24 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1), (2), OR
25 (3), AND THE PERSON FAILS TO ANSWER A CITATION OR A NOTICE TO
26 APPEAR IN COURT, OR FOR ANY MATTER PENDING, OR FAILS TO COMPLY
27 WITH AN ORDER OR JUDGMENT OF THE COURT, INCLUDING, BUT NOT

1 LIMITED TO, PAYING ALL FINES, COSTS, AND CRIME VICTIM'S RIGHTS
2 ASSESSMENTS, THE COURT SHALL IMMEDIATELY GIVE NOTICE BY
3 FIRST-CLASS MAIL SENT TO THE PERSON'S LAST KNOWN ADDRESS THAT IF
4 THE PERSON FAILS TO APPEAR WITHIN 7 DAYS AFTER THE NOTICE IS
5 ISSUED OR FAILS TO COMPLY WITH THE ORDER OR JUDGMENT OF THE
6 COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL FINES, COSTS,
7 AND CRIME VICTIM'S RIGHTS ASSESSMENTS, WITHIN 14 DAYS AFTER THE
8 NOTICE IS ISSUED, THE SECRETARY OF STATE WILL ISSUE AN ORDER WITH
9 NO EXPIRATION DATE THAT THE PERSON NOT OPERATE A SNOWMOBILE. IF
10 THE PERSON FAILS TO APPEAR WITHIN THE 7-DAY PERIOD OR FAILS TO
11 COMPLY WITH THE ORDER OR JUDGMENT OF THE COURT, INCLUDING, BUT
12 NOT LIMITED TO, PAYING ALL FINES, COSTS, AND CRIME VICTIM RIGHTS
13 ASSESSMENTS, WITHIN THE 14-DAY PERIOD, THE COURT SHALL IMMEDI-
14 ATELY INFORM THE SECRETARY OF STATE WHO SHALL IMMEDIATELY ISSUE
15 THE ORDER AND SEND A COPY TO THE PERSON BY PERSONAL SERVICE OR
16 FIRST-CLASS MAIL SENT TO THE PERSON'S LAST KNOWN ADDRESS.

17 (2) AN ORDER IMPOSED UNDER SUBSECTION (1) REMAINS IN EFFECT
18 UNTIL BOTH OF THE FOLLOWING OCCUR:

19 (A) THE COURT INFORMS THE SECRETARY OF STATE THAT THE PERSON
20 HAS APPEARED BEFORE THE COURT AND THAT ALL MATTERS RELATING TO
21 THE VIOLATION ARE RESOLVED.

22 (B) THE PERSON HAS PAID TO THE COURT A \$25.00 ADMINISTRATIVE
23 ORDER PROCESSING FEE.

24 SEC. 34. (1) A PERSON WHO IS AGGRIEVED BY A FINAL DETERMI-
25 NATION OF THE SECRETARY OF STATE UNDER THIS ACT MAY PETITION FOR
26 A REVIEW OF THE DETERMINATION IN THE CIRCUIT COURT IN THE COUNTY
27 WHERE THE PERSON WAS ARRESTED. THE PETITION SHALL BE FILED

1 WITHIN 63 DAYS AFTER THE DETERMINATION IS MADE EXCEPT THAT, FOR
2 GOOD CAUSE SHOWN, THE COURT MAY ALLOW THE PETITION TO BE FILED
3 WITHIN 182 DAYS AFTER THE DETERMINATION IS MADE. AS PROVIDED IN
4 SECTION 30, A PEACE OFFICER WHO IS AGGRIEVED BY A DETERMINATION
5 OF A HEARING OFFICER IN FAVOR OF A PERSON WHO REQUESTED A HEARING
6 UNDER SECTION 30 MAY, WITH THE CONSENT OF THE PROSECUTING ATTOR-
7 NEY, PETITION FOR REVIEW OF THE DETERMINATION IN THE CIRCUIT
8 COURT IN THE COUNTY WHERE THE ARREST WAS MADE. THE PETITION
9 SHALL BE FILED WITHIN 63 DAYS AFTER THE DETERMINATION IS MADE
10 EXCEPT THAT, FOR GOOD CAUSE SHOWN, THE COURT MAY ALLOW THE PETI-
11 TION TO BE FILED WITHIN 182 DAYS AFTER THE DETERMINATION IS
12 MADE.

13 (2) THE CIRCUIT COURT SHALL ENTER AN ORDER SETTING THE CAUSE
14 FOR HEARING FOR A DAY CERTAIN THAT IS NOT MORE THAN 63 DAYS AFTER
15 THE DATE OF THE ORDER. THE ORDER, A COPY OF THE PETITION, WHICH
16 SHALL INCLUDE THE PERSON'S FULL NAME, CURRENT ADDRESS, AND BIRTH
17 DATE, AND ALL SUPPORTING AFFIDAVITS SHALL BE SERVED ON THE SECRE-
18 TARY OF STATE'S OFFICE IN LANSING NOT LESS THAN 20 DAYS BEFORE
19 THE DATE SET FOR THE HEARING. IF THE PERSON IS SEEKING A REVIEW
20 OF THE RECORD PREPARED PURSUANT TO SECTION 30, THE SERVICE UPON
21 THE SECRETARY OF STATE SHALL BE MADE NOT LESS THAN 50 DAYS BEFORE
22 THE DATE SET FOR THE HEARING.

23 (3) EXCEPT AS PROVIDED IN SUBSECTIONS (4) AND (6), THE COURT
24 MAY TAKE TESTIMONY AND EXAMINE ALL THE FACTS AND CIRCUMSTANCES
25 INCIDENT TO THE ORDER THAT THE PERSON NOT OPERATE A SNOWMOBILE.
26 THE COURT MAY AFFIRM, MODIFY, OR SET ASIDE THE ORDER. THE ORDER
27 OF THE COURT SHALL BE DULY ENTERED, AND THE PETITIONER SHALL FILE

1 A CERTIFIED COPY OF THE ORDER WITH THE SECRETARY OF STATE'S
2 OFFICE IN LANSING WITHIN 7 DAYS AFTER ENTRY OF THE ORDER.

3 (4) IN REVIEWING A DETERMINATION UNDER SECTION 30, THE COURT
4 SHALL CONFINE ITS CONSIDERATION TO A REVIEW OF THE RECORD PRE-
5 PARED PURSUANT TO SECTION 30 TO DETERMINE WHETHER THE HEARING
6 OFFICER PROPERLY DETERMINED THE ISSUES ENUMERATED IN SECTION 30.

7 (5) IN REVIEWING A DETERMINATION RESULTING IN ISSUANCE OF AN
8 ORDER UNDER SECTION 32(1)(B), (C), OR (D), THE COURT SHALL CON-
9 FINE ITS CONSIDERATION TO A REVIEW OF THE RECORD PREPARED PURSU-
10 ANT TO SECTION 32. THE COURT SHALL SET ASIDE THE DETERMINATION
11 OF THE SECRETARY OF STATE ONLY IF SUBSTANTIAL RIGHTS OF THE PETI-
12 TIONER HAVE BEEN PREJUDICED BECAUSE THE DETERMINATION IS ANY OF
13 THE FOLLOWING:

14 (A) IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES,
15 THE STATE CONSTITUTION OF 1963, OR A STATUTE.

16 (B) IN EXCESS OF THE STATUTORY AUTHORITY OR JURISDICTION OF
17 THE SECRETARY OF STATE.

18 (C) MADE UPON UNLAWFUL PROCEDURE RESULTING IN MATERIAL PREJ-
19 UDICE TO THE PETITIONER.

20 (D) NOT SUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL
21 EVIDENCE ON THE WHOLE RECORD.

22 (E) ARBITRARY, CAPRICIOUS, OR CLEARLY AN ABUSE OR UNWAR-
23 RANTED EXERCISE OF DISCRETION.

24 (F) AFFECTED BY OTHER SUBSTANTIAL AND MATERIAL ERROR OF LAW.

25 (6) THIS SECTION DOES NOT APPLY TO AN ORDER ISSUED BY THE
26 SECRETARY OF STATE PURSUANT TO A COURT ORDER ISSUED AS PART OF
27 THE SENTENCE FOR A CONVICTION UNDER SECTION 15A, SECTIONS 24 TO

1 26 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
2 15A(1), (2), OR (3).

3 SEC. 35. (1) WITHIN 63 DAYS AFTER THE DETERMINATION, A
4 PERSON WHO IS AGGRIEVED BY A FINAL DETERMINATION OF THE SECRETARY
5 OF STATE UNDER THIS ACT MAY PETITION THE CIRCUIT COURT FOR THE
6 COUNTY IN WHICH THE CONVICTION OR DETERMINATION RESULTING IN
7 ISSUANCE OF THE ORDER THAT THE PERSON NOT OPERATE A SNOWMOBILE
8 FOR AN ORDER STAYING THE ORDER. EXCEPT AS PROVIDED IN SUBSECTION
9 (2), THE COURT MAY ENTER AN EX PARTE ORDER STAYING THE ORDER
10 SUBJECT TO TERMS AND CONDITIONS PRESCRIBED BY THE COURT UNTIL THE
11 DETERMINATION OF AN APPEAL TO THE SECRETARY OF STATE OR OF AN
12 APPEAL OR A REVIEW BY THE CIRCUIT COURT, OR FOR A LESSER TIME
13 THAT THE COURT CONSIDERS PROPER.

14 (2) THE COURT SHALL NOT ENTER AN EX PARTE ORDER STAYING THE
15 ORDER IF THE ORDER IS BASED UPON A CLAIM OF UNDUE HARDSHIP.

16 SEC. 36. (1) A PERSON WHO IS ORDERED NOT TO OPERATE A SNOW-
17 MOBILE AND WHO HAS BEEN NOTIFIED OF THE ORDER BY PERSONAL SERVICE
18 OR FIRST-CLASS MAIL SHALL NOT OPERATE A SNOWMOBILE. A PERSON
19 SHALL NOT KNOWINGLY PERMIT A SNOWMOBILE OWNED BY THE PERSON TO BE
20 OPERATED BY A PERSON WHO IS SUBJECT TO SUCH AN ORDER. A PERSON
21 WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISH-
22 ABLE AS FOLLOWS:

23 (A) BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BY A FINE
24 OF NOT MORE THAN \$500.00, OR BOTH.

25 (B) FOR A SECOND OR SUBSEQUENT VIOLATION PUNISHABLE UNDER
26 THIS SUBSECTION, BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A
27 FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

1 (2) UPON RECEIVING A RECORD OF THE CONVICTION OR PROBATE
2 COURT DISPOSITION OF A PERSON UPON A CHARGE OF UNLAWFUL OPERATION
3 OF A SNOWMOBILE WHILE THE PERSON IS SUBJECT TO AN ORDER NOT TO
4 OPERATE A SNOWMOBILE, THE SECRETARY OF STATE SHALL IMMEDIATELY
5 EXTEND THE LENGTH OF THE ORDER FOR AN ADDITIONAL LIKE PERIOD.

6 (3) IF THE SECRETARY OF STATE RECEIVES RECORDS OF MORE THAN
7 1 CONVICTION OR PROBATE COURT DISPOSITION RESULTING FROM THE SAME
8 INCIDENT, ALL OF THE CONVICTIONS OR PROBATE COURT DISPOSITIONS
9 SHALL BE TREATED AS A SINGLE VIOLATION FOR PURPOSES OF EXTENDING
10 THE LENGTH OF AN ORDER UNDER SUBSECTION (2).

11 (4) IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (1),
12 THE COURT SHALL ORDER CANCELLATION OF THE CERTIFICATE OF REGIS-
13 TRATION FOR THE SNOWMOBILE, UNLESS THE SNOWMOBILE WAS STOLEN OR
14 PERMISSION TO USE THE SNOWMOBILE WAS NOT KNOWINGLY GIVEN. THE
15 SECRETARY OF STATE SHALL NOT ISSUE A CERTIFICATE OF REGISTRATION
16 FOR A SNOWMOBILE WHOSE REGISTRATION IS CANCELED UNTIL AFTER THE
17 EXPIRATION OF 90 DAYS AFTER THE CANCELLATION.

18 SEC. 37. (1) WHEN A PERSON IS CONVICTED UNDER SECTION
19 36(1), THE SNOWMOBILE, IF IT IS OWNED BY THAT PERSON, SHALL BE
20 ORDERED IMPOUNDED FOR NOT LESS THAN 30 OR MORE THAN 120 DAYS FROM
21 THE DATE OF JUDGMENT.

22 (2) AN ORDER OF IMPOUNDMENT ISSUED PURSUANT TO SUBSECTION
23 (1) IS VALID THROUGHOUT THE STATE. ANY PEACE OFFICER MAY EXECUTE
24 THE IMPOUNDMENT ORDER. THE ORDER SHALL INCLUDE THE IMPLIED CON-
25 SENT OF THE OWNER OF THE SNOWMOBILE TO THE STORAGE FOR INSURANCE
26 COVERAGE PURPOSES.

1 (3) THE OWNER OF A SNOWMOBILE IMPOUNDED PURSUANT TO THIS
2 SECTION IS LIABLE FOR EXPENSES INCURRED IN THE REMOVAL AND
3 STORAGE OF THE SNOWMOBILE WHETHER OR NOT THE SNOWMOBILE IS
4 RETURNED TO HIM OR HER. THE SNOWMOBILE SHALL BE RETURNED TO THE
5 OWNER ONLY IF THE OWNER PAYS THE EXPENSES FOR REMOVAL AND
6 STORAGE. IF REDEMPTION IS NOT MADE OR THE SNOWMOBILE IS NOT
7 RETURNED AS PROVIDED IN THIS SECTION WITHIN 30 DAYS AFTER THE
8 TIME SET IN THE IMPOUNDMENT ORDER FOR RETURN OF THE SNOWMOBILE,
9 THE SNOWMOBILE SHALL BE CONSIDERED ABANDONED.

10 (4) NOTHING IN THIS SECTION AFFECTS THE RIGHTS OF A CONDI-
11 TIONAL VENDOR, CHATTEL MORTGAGEE, OR LESSOR OF A SNOWMOBILE REG-
12 ISTERED IN THE NAME OF ANOTHER PERSON AS OWNER WHO BECOMES
13 SUBJECT TO THIS ACT.

14 SEC. 38. A CONVICTION BASED ON A PLEA OF NOLO CONTENDERE
15 SHALL BE TREATED IN THE SAME MANNER AS A CONVICTION BASED ON A
16 PLEA OF GUILTY OR A FINDING OF GUILT FOR ALL PURPOSES UNDER THIS
17 ACT.

18 SEC. 39. WHETHER OF DEFINITE OR INDEFINITE LENGTH, AN ORDER
19 NOT TO OPERATE A SNOWMOBILE DOES NOT EXPIRE UNTIL THE PERSON
20 SUBJECT TO THE ORDER PAYS AN ADMINISTRATIVE ORDER PROCESSING FEE
21 OF \$125.00 TO THE SECRETARY OF STATE. THE STATE TREASURER SHALL
22 DEPOSIT \$10.00 OF THE FEE IN THE DRUNK DRIVING PREVENTION EQUIP-
23 MENT AND TRAINING FUND CREATED UNDER SECTION 625H(1) OF THE
24 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
25 BEING SECTION 257.625H OF THE MICHIGAN COMPILED LAWS, AND \$30.00
26 IN THE DRUNK DRIVING CASEFLOW ASSISTANCE FUND CREATED UNDER
27 SECTION 625H(5) OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING

1 SECTION 257.625H OF THE MICHIGAN COMPILED LAWS. THE STATE
2 TREASURER SHALL ALLOCATE THE BALANCE OF THE FEE TO THE DEPARTMENT
3 OF STATE FOR THE ADMINISTRATION OF ORDERS ISSUED UNDER THIS ACT.

4 Section 2. Section 16a of Act No. 74 of the Public Acts of
5 1968, being section 257.1516a of the Michigan Compiled Laws, is
6 repealed.